

Dirk Cooper Drost, Ph.D. 11-10-2010
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

_____)	
CITY OF GREENVILLE, ILLINOIS,)	
et al.,)	
)	
Plaintiffs,)	
)	Case No.
vs.)	10-cv-188-JPG-PMF
)	
SYNGENTA CROP PROTECTION, INC.,)	
et al.,)	
)	
Defendants.)	
_____)	

C O N F I D E N T I A L

VIDEOTAPED DEPOSITION OF DIRK COOPER DROST, PhD.

VOLUME I

Wednesday, November 10, 2010

At: 9:33 a.m.

Taken at:

O'Henry Hotel

624 Green Valley Road

Greensboro, North Carolina

Reported in Stenotype by
V. Dario Stanziola, CSR, RPR, CRR

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1 APPEARANCES 2 ON BEHALF OF THE PLAINTIFFS: 3 STEPHEN M. TILLERY, Esq. 4 JOHN C. CRAIG, Esq. 5 JERRY BROWN, Esq. 6 Korein Tillery, LLC 7 505 N. 7th Street, Suite 3600 8 St. Louis, Missouri 63101 9 Phone: 314.241.4844 Fax: 314.241.3525 10 E-mail: stillery@koreintillery.com 11 E-mail: jcraig@koreintillery.com 12 ON BEHALF OF THE DEFENDANTS: 13 MARK C. SURPRENANT, Esq. 14 Adams and Reese LLP 15 One Shell Square 16 701 Poydras Street 17 New Orleans, Louisiana 70139 18 Phone: 504.581.3234 Fax: 504.566.0210 19 E-mail: mark.surprenant@arlaw.com 20 21 PETER SCHUTZEL, Esq. 22 McDermott Will & Emery LLP 23 227 West Monroe Street 24 Chicago, Illinois 60606 25 Phone: 312.372.2000 Fax: 312.984.7700 E-mail: pschutzel@mwe.com Also Present: GARY TODD, CLVS, Videographer PAUL LESKO, Esquire Simmons	1 INDEX OF EXAMINATIONS 2 3 By Mr. Tillery PAGE 8 4 5 INDEX OF EXHIBITS 6 NUMBER EXHIBIT MARKED 7 Plaintiff's Exhibit 1: An e-mail string 45 8 with the top from Paul Francis dated 9 3/17/03, Bates SYN02737460 - 461 10 11 Plaintiff's Exhibit 2: An e-mail string 52 12 with the top from Viji Gowda dated 13 5/21/03, Bates SYN00899481 - 482 14 15 Plaintiff's Exhibit 3: An e-mail string 56 16 with the top from Viji Gowda dated 17 7/8/03, Bates SYN00910044 - 45 18 19 Plaintiff's Exhibit 4: An e-mail string 60 20 with the top from John Parker dated 21 7/30/03, Bates SYN01100954 22 23 Plaintiff's Exhibit 5: An e-mail string 63 24 with the top from Summao Chen dated 25 8/4/03, Bates SYN01178402 Plaintiff's Exhibit 6: An e-mail string 67 with the top from Dirk Drost dated 10/20/03, Bates SYN01998108 - 110 Plaintiff's Exhibit 7: An e-mail string 73 with the top from John Parker dated 12/7/03, Bates SYN02590706 - 707 Plaintiff's Exhibit 8: An e-mail document 75 from Bruce Thede dated 3/29/04, Bates SYN00905507 Plaintiff's Exhibit 9: An e-mail 78 document from Merrill Tisdell dated 6/16/04, Bates SYN01022688
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1 VIDEOTAPED DEPOSITION OF DIRK COOPER 2 DROST, PhD., a witness called on behalf of the 3 Plaintiffs, before V. Dario Stanziola, CSR, RPR, 4 CRR, Notary Public, in and for the State of North 5 Carolina, held at the O'Henry Hotel, 624 Green 6 Valley Road, Greensboro, North Carolina, on 7 Wednesday, November 10, 2010, commencing at 9:33 8 a.m. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 Plaintiff's Exhibit 10: An e-mail string 81 2 with the top from John Parker dated 3 10/5/04, Bates SYN00818952 4 Plaintiff's Exhibit 11: An e-mail string 83 5 with the top from Alan Hosmer dated 6 10/22/04, Bates SYN00926826 - 827 7 Plaintiff's Exhibit 12: An e-mail string 83 8 with the top from John Parker dated 9 10/21/04, Bates SYN00842873 - 874 10 Plaintiff's Exhibit 13: An e-mail string 86 11 with the top from Alan Hosmer dated 12 12/14/04, Bates SYN00942173 - 174 13 Plaintiff's Exhibit 14: A Syngenta 90 14 Guideline document entitled CP PLCM 15 Project Management Handbook Version 1.1 16 May 2005, Bates GRNVL0000080975 - 1018 17 18 Plaintiff's Exhibit 15: Document 104 19 entitled Detailed List of 2007 20 Accomplishments - Supporting Information 21 Dirk C. Drost November 11, 2007, Bates 22 SYN03143576 - 578 23 24 Plaintiff's Exhibit 16: An e-mail string 112 25 with the top from Bill Swain dated 3/9/10, Bates GRNVL0000075932 - 936 Plaintiff's Exhibit 17: A document 117 entitled Syngenta Brands vs. Integrity (BAS 78012), Bates GRNVL0000076640 - 6662 Plaintiff's Exhibit 18: An e-mail string 124 with the top from James Allen dated 5/18/05, Bates SYN01869094 - 9095 Plaintiff's Exhibit 19: An e-mail string 129 with the top from Chuck Foresman dated 2/2/10, Bates GRNVL0000075743 - 746 Plaintiff's Exhibit 20: A document 134 entitled Weed Control Biology - Organization, Bates GRNVL0000071027 - 1029

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<p>1 Plaintiff's Exhibit 21: An e-mail string 135 with the top from Howard Stott dated 2 5/28/09, Bates SYN02831657 - 659 3 Plaintiff's Exhibit 22: A Syngenta 143 Summary Notes dated 6/26/09, Bates 4 SYN03628856 - 8861 5 Plaintiff's Exhibit 23: An e-mail string 152 with the top from Dirk Drost dated 6 11/26/07, Bates SYN02820990 - 991 7 Plaintiff's Exhibit 24: An e-mail 154 document to Dirk Drost, Bates 8 SYN01048112 - 113 9 Plaintiff's Exhibit 25: An e-mail string 164 with the top from Sarah Rees dated 10 7/3/06, Bates GRNVL0000046110 - 112 11 Plaintiff's Exhibit 26: An e-mail string 167 with the top from Sarah Rees dated 12 7/5/06, Bates SYN02642042 - 2045 13 Plaintiff's Exhibit 27: 2006 Development 168 Project Portfolio 14 15 Plaintiff's Exhibit 28: An e-mail 178 document from Kurt Carmean dated 10/18/07, Bates SYN02864385 16 17 Plaintiff's Exhibit 29: An e-mail string 181 with the top from Gordon Vail dated 6/11/09, Bates SYN02917550 - 552 18 19 Plaintiff's Exhibit 30: A Syngenta 185 Project Portfolio Process, Process in Milestones in 2006, Bates 20 GRNVL0000063727 - 732 21 22 23 24 25</p>	<p>1 MR. SCHUTZEL: Peter Schutzel 2 representing the defendants. 3 MR. TILLERY: Also present from Korein 4 Tillery is Jerry Brown. 5 MR. SURPRENANT: Dr. Drost is going to 6 read and sign the deposition. 7 THE VIDEOGRAPHER: Could the court 8 reporter please swear in the witness. 9 (Witness Sworn.) 10 THE VIDEOGRAPHER: Please begin. 11 DIRK COOPER DROST, Ph.D., 12 having been duly sworn, was examined and testified 13 as follows: 14 EXAMINATION 15 BY MR. TILLERY: 16 Q. Would you state your name for the record, 17 sir. 18 A. My name is Dirk Cooper Drost. 19 Q. And where do you live, sir? 20 A. I live in High Point, North Carolina. 21 Q. How long have you lived in High Point, 22 North Carolina? 23 A. Nine years. 24 Q. By whom are you employed? 25 A. I'm employed by Syngenta Crop Protection</p>
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<p>1 THE VIDEOGRAPHER: Here begins the video 2 deposition of Dirk Drost, tape one, volume one 3 in the matter of City of Greenville, Illinois, 4 et al. v. Syngenta Crop Protection, Inc., et 5 al. in the United States District Court for 6 the Southern District of Illinois, Case Number 7 10-CV-188-JPG-PMF. 8 Today's date is November 10th, 2010, and 9 the time on the video monitor is 9:33 a.m. 10 The Video operator today is Gary Todd of 11 TeleVisual representing WestLaw Deposition 12 Services. The court reporter is Dario 13 Stanzola of Huseby Incorporated reporting on 14 behalf of WestLaw Deposition Services. 15 Today's deposition is being taken on 16 behalf of the plaintiff and is taking place at 17 624 Green Valley Road, Greensboro, North 18 Carolina. 19 Counsel, please introduce yourselves and 20 state whom you represent. 21 MR. TILLERY: For the plaintiff, Steve 22 Tillery, John Craig, Korein Tillery, St. 23 Louis, Missouri. 24 MR. SURPRENANT: Mark Surprenant 25 representing the defendants.</p>	<p>1 incorporated. 2 Q. What is your job at that company? 3 A. My title is head of portfolio and project 4 management. 5 Q. How long have you occupied that exact 6 position? 7 A. I've occupied the position since the -- 8 since the merger of Syngenta -- that formed 9 Syngenta. 10 Q. Since 2000 or 2001? 11 A. Yes, since 2000 or 2001. 12 Q. When and where were you born? 13 A. I was born in 1955, on February the 19th 14 and in Holland, Michigan. 15 Q. And after you graduated from high school, 16 what was your education? 17 A. After I graduated from high school I went 18 to Calvin College in Grand Rapids, Michigan for two 19 years, and subsequently transferred to Michigan 20 State University in East Lansing, Michigan and 21 finished my bachelor's degree there. 22 Q. In what area of study? 23 A. In crop and soil sciences in the College 24 of Agriculture. 25 Q. What year was that?</p>

3 (Pages 6 to 9)

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<p>1 A. That would have been 1977.</p> <p>2 Q. Then what did you do?</p> <p>3 A. I went onto the -- to graduate school at</p> <p>4 the University of Wisconsin in Madison.</p> <p>5 Q. And how long were you there?</p> <p>6 A. I graduated from the University of</p> <p>7 Wisconsin in Madison in May of 1982.</p> <p>8 Q. And what was your degree?</p> <p>9 A. My degree is in agronomy.</p> <p>10 Q. Okay. Was it a PhD.?</p> <p>11 A. Yes.</p> <p>12 Q. Did you have full time employment up until</p> <p>13 that time in your life?</p> <p>14 A. No.</p> <p>15 Q. What was your first job?</p> <p>16 A. My first job after I completed graduate</p> <p>17 school was with Stauffer Chemical Company.</p> <p>18 Q. Where were they located?</p> <p>19 A. Stauffer was headquartered in Westport,</p> <p>20 Connecticut. I was based in Madison, Wisconsin.</p> <p>21 Q. What did you do for them?</p> <p>22 A. My job title with Stauffer Chemical</p> <p>23 Company was field research representative.</p> <p>24 Q. What did that mean?</p> <p>25 A. I tested and evaluated crop protection</p>	<p>1 agriculture, I was able to determine when and where</p> <p>2 these products should be tested.</p> <p>3 Q. And this being your very first job, how did</p> <p>4 you develop your knowledge of farmers and</p> <p>5 agriculture?</p> <p>6 A. During my PhD. work, I had interacted</p> <p>7 with farmers and been involved in agriculture and</p> <p>8 had experience testing products. So it was a</p> <p>9 natural progression for me when I took the position</p> <p>10 to continue with that based on prior learning.</p> <p>11 Q. Now, these trial locations, where were they</p> <p>12 located geographically?</p> <p>13 A. I can't recall the exact locations, but I</p> <p>14 can say that they were located in agricultural</p> <p>15 fields.</p> <p>16 Q. Okay. Would those be in North America?</p> <p>17 A. Yes, they were in North America.</p> <p>18 Q. Okay. Were they in Illinois?</p> <p>19 A. No, I didn't have any in Illinois.</p> <p>20 Q. In Wisconsin?</p> <p>21 A. Yes, I had some in Wisconsin.</p> <p>22 Q. Okay. What criteria did you use in</p> <p>23 selecting trial locations?</p> <p>24 A. Soil characteristics, weather</p> <p>25 characteristics, crop, cropping systems and the</p>
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<p>1 products, which I was asked to do on behalf of the</p> <p>2 company.</p> <p>3 Q. How did you go about testing them?</p> <p>4 A. I did field testing for biological</p> <p>5 efficacy and crop safety, and I cooperated with</p> <p>6 universities by supplying test material so that</p> <p>7 they could do field tests as well.</p> <p>8 Q. How did you do field tests yourself?</p> <p>9 A. I found -- found trial locations --</p> <p>10 Q. And when you --</p> <p>11 A. -- established field trials.</p> <p>12 Q. I know I keep interrupting, but it's</p> <p>13 because of the definition or terms.</p> <p>14 You said you found trial locations. Before</p> <p>15 you go on with your answer, would you tell me what</p> <p>16 that means?</p> <p>17 A. A trial location?</p> <p>18 Q. Yes, sir.</p> <p>19 A. A trial location would be a physical</p> <p>20 location in a field where you could test the</p> <p>21 efficacy or crop tolerance of a crop protection</p> <p>22 product.</p> <p>23 Q. How did you go about finding a trial</p> <p>24 location?</p> <p>25 A. With my knowledge of farmers and of</p>	<p>1 presence or absence of pests.</p> <p>2 Q. Okay. You used another term, cropping</p> <p>3 systems. What does that mean?</p> <p>4 I'm sorry about the cough. It's just one</p> <p>5 of those things we're going to have to deal with</p> <p>6 today, unfortunately. So the reporter yesterday in</p> <p>7 the deposition suggested that you might not, if you</p> <p>8 can, if you can control your answer at a time that</p> <p>9 doesn't coincide when I'm coughing. That seems to be</p> <p>10 a better solution than me trying to control my cough</p> <p>11 when you're talking. So if we can do that it would</p> <p>12 make our day a lot better and complete the record a</p> <p>13 lot better.</p> <p>14 A. I hope you feel better.</p> <p>15 Q. Thank you.</p> <p>16 A. And I will wait to complete my answer.</p> <p>17 Q. Okay. Did you want me to read that back to</p> <p>18 you?</p> <p>19 A. Yes, please.</p> <p>20 Q. All right. You used another term, cropping</p> <p>21 systems. What does that mean?</p> <p>22 A. My definition of a cropping system would</p> <p>23 be, for an example, I'll give you an example, a</p> <p>24 corn and soybean rotation where corn is grown one</p> <p>25 year and soy beans are grown the next year would be</p>

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<p>1 one example of a cropping system.</p> <p>2 Q. Okay. All right. Now, you took this job</p> <p>3 with this company upon graduation and getting your</p> <p>4 PhD. and you were describing your role in that job.</p> <p>5 And part of it was doing field testing. Did you</p> <p>6 actually make arrangements with the farmers to secure</p> <p>7 the field testing positions?</p> <p>8 A. Yes.</p> <p>9 Q. And how did you go about doing that?</p> <p>10 A. I talked to the growers, asked them</p> <p>11 whether they would like to cooperate with the field</p> <p>12 tests and whether I could utilize their land and</p> <p>13 conduct the trials on their land.</p> <p>14 Q. And when you utilized their land, I presume</p> <p>15 you identified the specific part of the property that</p> <p>16 you want to use, right?</p> <p>17 A. No, that isn't correct. It would be more</p> <p>18 common that the farmer would offer a certain part</p> <p>19 of his property and then I would have to decide</p> <p>20 whether that was going to meet my criteria or</p> <p>21 whether I needed to look for another opportunity.</p> <p>22 Q. And about how much would you pay a farmer</p> <p>23 for this opportunity?</p> <p>24 A. I can't remember what the rate was at the</p> <p>25 time. I'm sorry, I can't remember.</p>	<p>1 they signed with your employer that would give rise</p> <p>2 to certain obligations in giving them the right to be</p> <p>3 paid for performing?</p> <p>4 A. No, I don't recall that there were</p> <p>5 contracts, as you've defined them, involved.</p> <p>6 Q. Okay. So no written instruments involving</p> <p>7 the universities and how they would -- how they would</p> <p>8 perform the tests?</p> <p>9 A. No, I don't recall any of those being</p> <p>10 involved during my time at Stauffer.</p> <p>11 Q. Any confidentiality agreements with the</p> <p>12 universities?</p> <p>13 A. I don't remember.</p> <p>14 Q. Any confidentiality agreements with the</p> <p>15 farmers?</p> <p>16 A. I don't remember.</p> <p>17 Q. Okay. What else did you do in this job?</p> <p>18 A. My primary responsibility was field</p> <p>19 research. I worked with universities. And I</p> <p>20 represented the company sometimes at meetings that</p> <p>21 included farmers, university people or other people</p> <p>22 in the agricultural community.</p> <p>23 Q. And did any of those farmers at that time</p> <p>24 in your career include Illinois?</p> <p>25 A. I don't recall that I ever worked with a</p>
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<p>1 Q. Okay. And how long did you stay in this</p> <p>2 job?</p> <p>3 A. I was a field research representative</p> <p>4 with Stauffer for several years. I don't remember</p> <p>5 exactly how long it was. I think it might have</p> <p>6 been three or four -- it was four or five years</p> <p>7 probably.</p> <p>8 Q. Were you doing field testing throughout</p> <p>9 that period?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Since you've been at Syngenta, let's</p> <p>12 say since 2000, have you used any of the same field</p> <p>13 test locations in your work at Syngenta that you used</p> <p>14 when you were at Stauffer?</p> <p>15 A. No, because my responsibilities at</p> <p>16 Syngenta didn't -- do not include field testing.</p> <p>17 Q. Okay. So you said you also did contracting</p> <p>18 for field testing when you were at Stauffer?</p> <p>19 A. No, I don't believe I said that. I think</p> <p>20 I said that I worked with university cooperators</p> <p>21 and provided test chemical to them so that they</p> <p>22 could do field trials.</p> <p>23 Q. Were they working under a contract?</p> <p>24 A. How would you define a contract?</p> <p>25 Q. Well, where they had a piece of paper that</p>	<p>1 farmer in the State of Illinois.</p> <p>2 Q. Okay. And which universities were you</p> <p>3 affiliated with at that time?</p> <p>4 A. The universities I called on during that</p> <p>5 time were the University of Wisconsin, Iowa State</p> <p>6 University, the University of Minnesota and</p> <p>7 Michigan State University. Those are four that I</p> <p>8 can -- that I remember right now.</p> <p>9 Q. Have you ever given a deposition before?</p> <p>10 A. Yes.</p> <p>11 Q. And how many?</p> <p>12 A. One -- one, I believe.</p> <p>13 Q. Have you ever testified at any other time</p> <p>14 besides that deposition?</p> <p>15 A. No.</p> <p>16 Q. So the only time you've been sworn and</p> <p>17 given testimony is in a single deposition?</p> <p>18 A. That is my -- my recollection.</p> <p>19 Q. And tell me what that deposition involved.</p> <p>20 A. I recall it was a patent -- it related to</p> <p>21 a patent question.</p> <p>22 Q. When --</p> <p>23 A. This was quite a long time ago.</p> <p>24 Q. By whom were you employed at the time that</p> <p>25 that deposition was given?</p>

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<p>1 A. I had several employers before I started 2 with Syngenta, and I'm not sure whether it was 3 Zeneca or the previous one, ICI. I don't remember 4 the exact date nor the exact employer at the time. 5 Q. Do you remember anything about the 6 deposition? 7 A. I remember there was a videographer and a 8 -- and a court reporter and there was a plaintiff's 9 attorney, and I had my -- and I had representation 10 as well. 11 Q. Okay. 12 A. Those are some of the things that I 13 remember. 14 Q. Were you a party to the litigation? 15 A. I don't know what you mean by that. 16 Q. Were you a plaintiff or a defendant being 17 sued or suing? 18 A. No. 19 Q. Okay. What was your next job after 20 Stauffer? 21 A. Stauffer was acquired by ICI Americas, 22 and so I was then employed by ICI Americas as part 23 of the merger. 24 Q. And tell me the business that ICI Americas 25 was involved in?</p>	<p>1 proceeding? 2 A. I don't remember having done that. 3 Q. Okay. How long did you stay in the job at 4 ICI Americas? 5 A. I continued to work with ICI Americas 6 until ICI was acquired or became Zeneca. 7 Q. What year was that? 8 A. I don't remember. 9 Q. How long do you think that job lasted at 10 ICI Americas? 11 A. I don't remember how many years it was. 12 And I don't have my employment record right here 13 that shows it. 14 Q. Okay. And what was your next employment? 15 A. I moved then on into the Zeneca 16 organization and began to work for Zeneca ag 17 products. 18 Q. And where were you at that time? 19 Where were you located? 20 A. I spent some time in Wilmington, Delaware 21 at the Zeneca headquarters. And I also -- then I 22 moved to Des Moines, Iowa and spent some time at 23 the Zeneca office in West Des Moines, Iowa. 24 Q. What did you do at Wilmington, Delaware? 25 A. Wilmington I was a technical manager, and</p>
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<p>1 A. I was working with the agricultural 2 products business. I don't know about other 3 businesses that ICI had. 4 Q. What did you do at ICI Americas? 5 A. I think my position title was market 6 development representative or product development 7 representative. And I continued to do field 8 testing and evaluation for crop protection 9 products. 10 Q. Did your job change in any way from what 11 you had previously told me? 12 A. Yes. 13 Q. How? 14 A. My geographical responsibilities were 15 reduced and my travel was reduced, and so I just 16 focused on the State of Wisconsin. 17 Q. You talked -- strike that. 18 I asked you about deposition testimony 19 before. Have you ever testified before the EPA? 20 Have you ever given any statement or 21 affidavit or any testimony before any administrative 22 body like the EPA? 23 A. No, I have not testified before the EPA. 24 Q. Have you given any written statement or 25 affidavit in any judicial or administrative</p>	<p>1 I was responsible for product development for 2 herbicides and for insecticides. 3 Q. Which herbicides and which insecticides? 4 A. There were a lot of herbicides and there 5 were a lot of insecticides. 6 Q. What was the first time that you ever 7 worked with atrazine? 8 A. I don't remember the exact date. 9 Q. Do you remember the year? 10 A. No. 11 Q. Do you remember the decade? 12 A. Could have been -- it could have been in 13 the '70s when I was in undergraduate or in graduate 14 school. 15 Q. And what would you have done with atrazine 16 when you were in undergraduate school? 17 A. I worked with the -- I was a student and 18 I was a student worker with the test -- the testing 19 group. And I may have worked with atrazine at that 20 time. 21 Q. Do you remember anything specifically about 22 that assignment or that experience with atrazine? 23 A. No, I don't remember anything 24 specifically about it. It was probably included -- 25 it was included in the field trials and so that's</p>

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<p>1 how I would have worked with it.</p> <p>2 Q. Tell me the first experience that you</p> <p>3 remember with atrazine in any job?</p> <p>4 A. When I was -- yes, in the -- in 1982 we</p> <p>5 included atrazine as standard in our herbicide</p> <p>6 evaluation programs under my direction with</p> <p>7 Stauffer Chemical Company. It was included as a</p> <p>8 standard.</p> <p>9 Q. And Stauffer was selling it?</p> <p>10 A. I can't -- I don't know. I can't answer</p> <p>11 that.</p> <p>12 Q. What does it mean to be included as a</p> <p>13 standard?</p> <p>14 A. Oh. Now I understand your question. The</p> <p>15 -- when we do field trials, we include substances</p> <p>16 that we want to test, new substances, and we will</p> <p>17 also include market standards, which are</p> <p>18 established products in the marketplace for</p> <p>19 comparison purposes. So that's what I mean by a</p> <p>20 standard.</p> <p>21 Q. Okay. You were describing your job</p> <p>22 experience and you had gotten I think to did you say</p> <p>23 Zeneca? Is that where you were?</p> <p>24 I'm trying to work my way forward to your</p> <p>25 experience at Syngenta, so tell me your next job.</p>	<p>1 development as well as compounds that were in the</p> <p>2 commercial -- already commercialized.</p> <p>3 Q. You were involved in developing protocols</p> <p>4 -- protocols for testing research compounds in the</p> <p>5 field, right?</p> <p>6 A. Yes.</p> <p>7 Q. And specifically what products were you</p> <p>8 working with toward development that were not yet on</p> <p>9 the market?</p> <p>10 A. I remember two -- two compounds that I</p> <p>11 worked with. I'm sure there were many more. One</p> <p>12 was acetochlor, preemergence, a grass herbicide</p> <p>13 that was being evaluated in corn. And another one</p> <p>14 was -- and I'm sorry, the -- this is a long time</p> <p>15 ago, the details escape me.</p> <p>16 Q. You remember one of them?</p> <p>17 A. I remember one -- one I worked with was</p> <p>18 acetochlor.</p> <p>19 Q. Okay. And how did you go about developing</p> <p>20 the protocols?</p> <p>21 A. We had a criteria in mind that we were</p> <p>22 trying to evaluate. Criteria included crop</p> <p>23 tolerance, efficacy of weed control and the need to</p> <p>24 define the use rate. So we were working on</p> <p>25 defining use rates, use patterns, weeds that were</p>
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<p>1 A. I believe I described that I worked with</p> <p>2 Zeneca ag products, that I had spent time at</p> <p>3 headquarters as a technical manager.</p> <p>4 Q. Right.</p> <p>5 A. And then I went out to Des Moines, Iowa</p> <p>6 and continued as a technical manager.</p> <p>7 Q. What did you do in Iowa as a technical</p> <p>8 manager?</p> <p>9 A. My responsibility, again, was product</p> <p>10 development manager. And I was responsible in the</p> <p>11 Iowa years principally for herbicides. So I</p> <p>12 developed testing protocols, I worked with other</p> <p>13 Syngenta -- excuse me, I misspoke. Not Syngenta,</p> <p>14 Zeneca representatives to ensure that those testing</p> <p>15 protocols were implemented. And the results were</p> <p>16 gathered and they were evaluated.</p> <p>17 Q. Were these chemicals that were already on</p> <p>18 the market or were they being developed for eventual</p> <p>19 future sale?</p> <p>20 A. There were some of both.</p> <p>21 Q. And at what stage in development did you</p> <p>22 become involved with these chemicals?</p> <p>23 A. In the Zeneca years I was involved with</p> <p>24 developing protocols for testing research compounds</p> <p>25 in the field and for compounds that were in</p>	<p>1 controlled, and understand the similarities and</p> <p>2 differences in those characteristics on different</p> <p>3 soil types. So that was -- that's an example of</p> <p>4 the type of work that we were -- that I did during</p> <p>5 that time.</p> <p>6 Q. How long did you stay in that job in De</p> <p>7 Moines?</p> <p>8 A. I stayed in De Moines until I relocated</p> <p>9 to -- to the Syngenta headquarters here in</p> <p>10 Greensboro. And I relocated physically in June of</p> <p>11 2001. That's when my family relocated. I started</p> <p>12 working here in November of 2000.</p> <p>13 Q. And your job title has stayed the same</p> <p>14 since you've been here?</p> <p>15 A. No, my job title changed when I</p> <p>16 transferred to Syngenta.</p> <p>17 Q. Okay. But since you've been here, it's</p> <p>18 stayed the same?</p> <p>19 A. Yes, I'm sorry, I misunderstood you.</p> <p>20 Since I've been here, my job title has been head of</p> <p>21 development planning, which includes the project</p> <p>22 and portfolio management, which I described</p> <p>23 earlier. So it's officially head of development</p> <p>24 planning. I believe that's the role.</p> <p>25 Q. What is development planning?</p>

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<p>1 A. It encompasses two -- two aspects, a 2 project management, development project management 3 and development portfolio management. 4 Q. Okay. Tell me what those two things are, 5 project and portfolio management. 6 A. Project management involves scheduling. 7 Q. Scheduling what? 8 A. Scheduling studies, scheduling work. It 9 also involves resourcing. It involves stakeholder 10 interactions. 11 Q. Okay. Let's stop here for a second. 12 What does resourcing mean in the way that 13 you used it in that answer? 14 A. Resource -- resourcing would mean to be 15 -- to ensure that adequate people and -- and -- and 16 dollars are available to complete a required study. 17 Q. Okay. And stakeholder interaction, what 18 does that mean? 19 A. In a project environment, stakeholders 20 would include, for instance, my boss, my -- my 21 direct reports, other functional managers. These 22 are stakeholders. They're people who have a stake 23 in the task or the outcome. 24 Q. Okay. 25 A. And they're internal stakeholders.</p>	<p>1 A. My functional manager is in Syngenta Crop 2 Protection, Inc., yes. 3 Q. And who is that? 4 A. My functional manager is Dr. Marian 5 Stypa. 6 Q. Who's your boss? 7 A. Dr. Marian Stypa. 8 Q. Okay. You in the prior answer said your 9 stakeholders included your boss, your direct reports 10 and your functional managers, okay? 11 You want me to -- I can go back and read 12 the answer to you. But what I'm looking for, who are 13 all these people? 14 A. Okay. I understand now. 15 My boss is Dr. Marian Stypa. 16 Q. Okay. 17 A. He's my -- he's my -- I report to him. 18 Q. Okay. 19 A. Could you -- could you. 20 Q. Yeah, who are these other people, the 21 direct reporting manager and the functional manager? 22 A. Oh, my direct reports. 23 Q. Okay. 24 A. My direct reports include the people that 25 work for me. These --</p>
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<p>1 Q. Okay. Did -- I interrupted your answer. So 2 you were describing what's involved in project and 3 portfolio management. You said scheduling study, 4 scheduling work, resourcing and stakeholder 5 interaction. What else? 6 A. Those are the principal components of 7 project management. 8 Q. Okay. Has the responsibility changed over 9 the years in that job or has it stayed about the 10 same? 11 A. I think my -- I recall that the -- the 12 objectives change from year to year. But the 13 overall responsibilities of the job have remained 14 consistent over the years. 15 Q. Are any of the stakeholders for projects 16 that you have managed since you've been at Syngenta 17 at other Syngenta legal entities besides Syngenta 18 Crop Protection, Inc.? 19 A. The stakeholders that I interact with and 20 engage with in project management are located here 21 in Syngenta Crop Protection, Inc. 22 Q. Only there? 23 A. Yes. 24 Q. Okay. So your functional managers are all 25 at Syngenta Crop Protection, Inc.?</p>	<p>1 Q. No, I'm sorry, we're going to get to them. 2 The ones that you communicate with as opposed to 3 relying upon. Who else besides Marian Stypa? 4 A. Oh, the couple -- couple of examples 5 would be Janis McFarland, who's the head of 6 regulatory affairs. 7 Q. Okay. 8 A. I consider her a stakeholder. Dr. Peter 9 Hertl who worked in health assessment, 10 environmental safety, product safety. I consider 11 him a stakeholder. These are -- these are 12 functional managers. And that's in the context 13 that I use that term. 14 Q. Okay. Do you understand what global product 15 safety is? 16 A. Yes, I'm familiar with the term global 17 product safety. 18 Q. Okay. And what is your understanding of the 19 term? 20 A. Product safety includes two aspects, 21 includes health assessment, environmental safety. 22 And global product safety is based in Basel. 23 Q. Okay. And do you know who is the head of 24 global product safety? 25 A. Yes.</p>

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<p>1 Q. Who?</p> <p>2 A. The current head of global product safety</p> <p>3 is Dr. Peter Hertl.</p> <p>4 Q. And where is he physically located?</p> <p>5 A. I don't know what his physical location</p> <p>6 is today.</p> <p>7 Q. Okay. Do you know where he's employed?</p> <p>8 A. No.</p> <p>9 Q. Okay. Do you -- are you aware of the fact</p> <p>10 that he is a Syngenta Crop Protection, Inc. employee?</p> <p>11 A. I am not aware of who his -- who his --</p> <p>12 who his employer is.</p> <p>13 Q. Okay.</p> <p>14 A. I know it only as Syngenta.</p> <p>15 Q. Only as Syngenta?</p> <p>16 A. I'm at Syngenta Crop Protection as I know</p> <p>17 it in the United States.</p> <p>18 Q. Okay.</p> <p>19 A. Syngenta Crop Protection, Inc.</p> <p>20 Q. Okay. Do you know who Marian Stypa works</p> <p>21 for?</p> <p>22 A. No.</p> <p>23 Q. Okay. Do you know who actually employs John</p> <p>24 Atkin?</p> <p>25 A. No.</p>	<p>1 meeting.</p> <p>2 Q. Okay.</p> <p>3 A. And he stood up in front and made a</p> <p>4 speech. And so that's how I know his name and his</p> <p>5 face.</p> <p>6 Q. And how was he presented to you, as what?</p> <p>7 A. I was in the audience. He wasn't</p> <p>8 presented to me.</p> <p>9 Q. Oh, but you were one of the audience. So</p> <p>10 he was presented to you at the time as a speaker as</p> <p>11 having some role with Syngenta or did you think he</p> <p>12 was just some guy from some other business just there</p> <p>13 to make a speech?</p> <p>14 MR. SURPRENANT: Object to the form.</p> <p>15 A. I don't know.</p> <p>16 Q. Okay. So you really can't tell me what role</p> <p>17 he has in the Syngenta operation?</p> <p>18 A. I recall I said that I believe he is the</p> <p>19 chief operating officer of Syngenta -- of Syngenta.</p> <p>20 That's all I know.</p> <p>21 Q. And what do you mean when you use the word</p> <p>22 Syngenta in that last answer?</p> <p>23 A. I'm not sure I understand your question.</p> <p>24 Q. You used the word. Let me just remind you,</p> <p>25 okay? You just said, I'm quoting, I recall I said</p>
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<p>1 Q. Do you know who John Atkin is?</p> <p>2 A. Yes.</p> <p>3 Q. What is your understanding of his role in</p> <p>4 the Syngenta companies?</p> <p>5 A. I think his title -- my -- my</p> <p>6 recollection is his title is chief -- or COO, chief</p> <p>7 operating officer.</p> <p>8 Q. Chief operating officer of what?</p> <p>9 A. I don't know.</p> <p>10 Q. Okay. Would you consider him the boss of</p> <p>11 your boss?</p> <p>12 A. No.</p> <p>13 Q. Okay. Is he the boss of all of crop</p> <p>14 protection?</p> <p>15 A. I don't know.</p> <p>16 Q. Okay. So you don't even know if he's in the</p> <p>17 line of companies to serve as a boss in your</p> <p>18 operation?</p> <p>19 MR. SURPRENANT: Object to the form.</p> <p>20 A. I don't know what John Atkin's</p> <p>21 responsibilities are.</p> <p>22 Q. Okay. Do you know who he is?</p> <p>23 A. I've seen him, yes.</p> <p>24 Q. Okay. And how have you seen him?</p> <p>25 A. I believe I recall seeing him at a</p>	<p>1 that I believe he is the chief operating officer of</p> <p>2 Syngenta, of Syngenta, that's all I know.</p> <p>3 When you gave that answer, what did you</p> <p>4 mean when you said the word Syngenta?</p> <p>5 A. I'm confused by your question.</p> <p>6 Q. Well, actually, I'm just asking you to</p> <p>7 explain your answer.</p> <p>8 You told me you thought that John Atkin was</p> <p>9 the CE -- COO of Syngenta. I'm asking you what</p> <p>10 entity Syngenta are you referring to?</p> <p>11 A. I don't know what entity. All -- I just</p> <p>12 know that that is his title.</p> <p>13 Q. Do you believe Syngenta to include a</p> <p>14 particular group of companies when you answered that</p> <p>15 way?</p> <p>16 A. No.</p> <p>17 Q. What did you mean it to be?</p> <p>18 What did Syngenta mean when you just gave</p> <p>19 me that answer?</p> <p>20 A. What I meant was that I believe the title</p> <p>21 that John Atkin has is crop -- is COO, and that</p> <p>22 he's COO of Syngenta. I do not know what entity</p> <p>23 that is.</p> <p>24 Q. Did you understand that to include the</p> <p>25 entire operation of the -- all umbrella companies</p>

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<p>1 under the name Syngenta?</p> <p>2 MR. SURPRENANT: Object to the form.</p> <p>3 A. No.</p> <p>4 Q. Okay. Then did you think it was something</p> <p>5 else, some other company?</p> <p>6 A. I answered the best I could based on what</p> <p>7 I know.</p> <p>8 Q. Okay.</p> <p>9 A. I don't have any other knowledge of this.</p> <p>10 Q. Okay. Well, I'm trying to understand who</p> <p>11 you think John Atkin is COO of, what entity?</p> <p>12 A. I don't know.</p> <p>13 Q. Okay. Do you have an understanding as to</p> <p>14 whether Syngenta Crop Protection, Inc. is accountable</p> <p>15 in any way to -- strike that.</p> <p>16 Do you have an understanding as to whether</p> <p>17 anyone at Syngenta Crop Protection, Inc. is</p> <p>18 accountable to Mr. Atkin?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay. If I told you that the Syngenta</p> <p>21 annual reports say that Mr. Atkin is COO of crop</p> <p>22 protection, would that mean anything to you?</p> <p>23 MR. SURPRENANT: Object to the form.</p> <p>24 A. No.</p> <p>25 Q. Okay. Would you know what crop protection</p>	<p>1 Q. Okay. What is portfolio management?</p> <p>2 A. Our individual projects group -- groups</p> <p>3 into a development portfolio. So there are several</p> <p>4 projects, and together I consider them a portfolio.</p> <p>5 Q. Okay. Tell me the portfolio management</p> <p>6 activities you've had with atrazine or products</p> <p>7 containing atrazine?</p> <p>8 A. Our crop protection, our Syngenta Crop</p> <p>9 Protection, Inc. development portfolio contains</p> <p>10 many projects. These projects include herbicides,</p> <p>11 insecticides and fungicides and seed treatments.</p> <p>12 In the herbicide portfolio we have projects that</p> <p>13 include work with atrazine.</p> <p>14 Q. Okay. Yeah, tell me the ones that involve</p> <p>15 atrazine since you've been there for the last ten</p> <p>16 years. Excuse me.</p> <p>17 A. I can't remember the specific -- or the</p> <p>18 specific projects. I don't have that information</p> <p>19 here.</p> <p>20 Q. Do you remember any of them?</p> <p>21 A. Yes. I remember one.</p> <p>22 Q. All right. Let's just do it this way.</p> <p>23 A. Okay.</p> <p>24 Q. How many of them would you estimate you've</p> <p>25 been involved with, including atrazine, in some way</p>
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<p>1 means within the umbrella of Syngenta companies?</p> <p>2 A. No.</p> <p>3 Q. Okay. Have we discussed all of the</p> <p>4 stakeholders that you report to?</p> <p>5 You mentioned Marian Stypa, Janis</p> <p>6 McFarland. And I don't think you mentioned anybody</p> <p>7 else. Was there somebody else?</p> <p>8 A. I don't -- I don't recall that I said</p> <p>9 that I report to those individuals. I think I</p> <p>10 report to Marian Stypa and I considered the</p> <p>11 individuals I named, including Janis McFarland and</p> <p>12 Peter Hertl as functional managers and stakeholders</p> <p>13 in specific projects.</p> <p>14 Q. Okay. What's the difference between a boss</p> <p>15 and a functional manager?</p> <p>16 A. I use the word boss to refer to my</p> <p>17 immediate supervisor, Dr. Marian Stypa. So when I</p> <p>18 used that term, it was to -- to mean my immediate</p> <p>19 supervisor.</p> <p>20 Q. Do you know whether Janis McFarland has a</p> <p>21 functional manager in Basel?</p> <p>22 A. I don't know.</p> <p>23 Q. Do you know whether Peter Hertl has a</p> <p>24 functional manager?</p> <p>25 A. I don't know.</p>	<p>1 or another?</p> <p>2 A. I can't -- I can't estimate that. That</p> <p>3 would be a guess. I can't guess.</p> <p>4 Q. Well, are you able to estimate a total</p> <p>5 number?</p> <p>6 A. No.</p> <p>7 Q. Would it be -- well, just so we know, is it</p> <p>8 in tens, hundreds; do you know?</p> <p>9 Closer to a hundred or closer to ten?</p> <p>10 A. I don't know.</p> <p>11 Q. What has your role been with respect to</p> <p>12 these projects involving atrazine?</p> <p>13 A. My role includes project and portfolio</p> <p>14 management. So I described the project management.</p> <p>15 So we sum the projects up into a portfolio, we</p> <p>16 review the projects, we check the progress against</p> <p>17 -- against milestones, and we want to make sure</p> <p>18 that these projects are on track so that they can</p> <p>19 be completed successfully. Those are portfolio</p> <p>20 management role responsibilities.</p> <p>21 Q. What's the difference between portfolio</p> <p>22 management and product management?</p> <p>23 A. And?</p> <p>24 Q. Product management -- project management.</p> <p>25 I'm sorry.</p>

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<p>1 A. Oh. Could you restate the question?</p> <p>2 Q. Yes.</p> <p>3 You used the words portfolio management and</p> <p>4 project management as being different in your</p> <p>5 responsibilities. I want you to explain how they</p> <p>6 differ.</p> <p>7 A. A project management involves individual</p> <p>8 development projects in ensuring that they are</p> <p>9 resourced, that there's time lines established,</p> <p>10 that the work is scheduled properly and that it is</p> <p>11 completed on time, on budget to specification. The</p> <p>12 portfolio management role involves oversight and</p> <p>13 supervision of groups of projects to ensure that</p> <p>14 they are all in alignment and proceeding as</p> <p>15 expected.</p> <p>16 Q. Tell me, if you can, using one of these</p> <p>17 examples of each involving atrazine and explain to me</p> <p>18 how these portfolio management projects --</p> <p>19 responsibilities would take place and then project</p> <p>20 management responsibilities would take place. So</p> <p>21 what you would be doing, in other words.</p> <p>22 A. So let me ask a question for</p> <p>23 clarification.</p> <p>24 Q. Of course, of course.</p> <p>25 A. So you want an example, you want me to</p>	<p>1 A. In my project management -- portfolio</p> <p>2 management responsibilities I was asked to make --</p> <p>3 to ensure that these samples were collected, they</p> <p>4 were analyzed and they were reported.</p> <p>5 Q. So your role was to collect samples only?</p> <p>6 A. No.</p> <p>7 Q. All right.</p> <p>8 A. I didn't collect any samples.</p> <p>9 Q. All right. So let's see if we can first</p> <p>10 understand each other and our terms.</p> <p>11 A. Okay.</p> <p>12 Q. What is the atrazine monitoring program?</p> <p>13 A. The atrazine monitoring program is a</p> <p>14 collection of water samples at community water</p> <p>15 systems in the U.S. under -- under the memorandum</p> <p>16 of agreement with U.S. EPA.</p> <p>17 Q. And how many community water systems were</p> <p>18 involved?</p> <p>19 A. I don't remember.</p> <p>20 Q. Where did the funding source come from for</p> <p>21 the atrazine monitoring program?</p> <p>22 What was the funding source?</p> <p>23 A. We funded it through our development</p> <p>24 program for Syngenta Crop Protection, Inc.?</p> <p>25 Q. Okay. And tell me what your role has been</p>
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<p>1 use a specific example for project management and</p> <p>2 portfolio management?</p> <p>3 Q. Right. And I'd like to do it in the</p> <p>4 context of a product that contains atrazine or</p> <p>5 triazine type product.</p> <p>6 A. So a specific project might be an example</p> <p>7 is the atrazine monitoring project.</p> <p>8 Q. Right.</p> <p>9 A. That would be a project that would be --</p> <p>10 and a specific example of a project containing</p> <p>11 atrazine.</p> <p>12 Q. What was your role with that?</p> <p>13 A. My responsibility was to ensure that the</p> <p>14 -- the program was implemented properly.</p> <p>15 Q. And when did it start?</p> <p>16 A. The atrazine -- I don't remember when the</p> <p>17 atrazine monitoring program started. I believe it</p> <p>18 started when we -- when the EPA -- the memorandum</p> <p>19 of agreement was completed with U.S. EPA, and the</p> <p>20 -- and that's when the monitoring of atrazine</p> <p>21 began.</p> <p>22 Q. Was that 2003?</p> <p>23 A. I don't remember the date.</p> <p>24 Q. How did you first become involved with the</p> <p>25 atrazine monitoring program?</p>	<p>1 with the atrazine monitoring program since the</p> <p>2 agreement with the EPA.</p> <p>3 A. My responsibility was to oversee the</p> <p>4 program, ensure that samples were collected, that</p> <p>5 they were analyzed and that the -- the results were</p> <p>6 reported. I had an oversight responsibility. I</p> <p>7 was not involved in the day-to-day work.</p> <p>8 Q. You said your role was that of oversight.</p> <p>9 Who was reporting to you with respect to the atrazine</p> <p>10 monitoring program?</p> <p>11 A. No one reported to me with respect to the</p> <p>12 program.</p> <p>13 Q. Okay. Who was involved besides you with the</p> <p>14 program?</p> <p>15 A. Andrew Merritt was the study director.</p> <p>16 Q. What's his title?</p> <p>17 A. I don't know.</p> <p>18 Q. Who else was involved besides Mr. Merritt?</p> <p>19 MR. SURPRENANT: Talking about from the</p> <p>20 beginning or at any point in time?</p> <p>21 Q. Yeah, at -- since you were involved in the</p> <p>22 program.</p> <p>23 A. Dan Campbell was the -- as -- was the</p> <p>24 regulatory -- was a regulatory manager that was</p> <p>25 involved.</p>

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<p>1 Q. Who else?</p> <p>2 A. David Flackney was in state government</p> <p>3 relations, and he was involved.</p> <p>4 Q. What was his role?</p> <p>5 A. His title was state government relations</p> <p>6 manager.</p> <p>7 Q. Okay. Who else?</p> <p>8 A. Well, Ron Williams was involved. That's</p> <p>9 all I can remember.</p> <p>10 Q. And with respect to these people, what was</p> <p>11 your role?</p> <p>12 A. My responsibility was to get them</p> <p>13 together from time to time, to ask questions like</p> <p>14 how -- how are the -- how is the sample collection</p> <p>15 going? Are there -- is the -- are the analyses</p> <p>16 proceeding as expected, et cetera. That was my --</p> <p>17 my role as an oversight role.</p> <p>18 Q. Who was in charge of getting the samples</p> <p>19 collected within the group?</p> <p>20 A. The study director.</p> <p>21 Q. And that was Mr. Merritt?</p> <p>22 A. Mr. Merritt.</p> <p>23 Q. Would he be the person who would have made</p> <p>24 arrangements for the collection of the samples?</p> <p>25 A. Yes, he would have made arrangements for</p>	<p>1 Merritt did the reporting?</p> <p>2 A. Mr. Merritt and Mr. Campbell did the</p> <p>3 necessary -- or necessary reporting to the best of</p> <p>4 my knowledge.</p> <p>5 Q. Who negotiated the agreement with the EPA?</p> <p>6 A. I don't know.</p> <p>7 Q. Was that finished before you knew there was</p> <p>8 going to be a monitoring program?</p> <p>9 A. I don't recall.</p> <p>10 Q. Do you know if any of the community water</p> <p>11 systems that were within this atrazine monitoring</p> <p>12 program were within the State of Illinois?</p> <p>13 A. Yes, they did include community water</p> <p>14 systems in the State of Illinois.</p> <p>15 Q. Do you know how many?</p> <p>16 A. No.</p> <p>17 Q. Did you ever seek -- strike that.</p> <p>18 Did anyone working at Syngenta Crop</p> <p>19 Protection, Inc. involved in the community -- I'm</p> <p>20 sorry, strike that.</p> <p>21 Did anyone at Syngenta Crop Protection,</p> <p>22 Inc. involved in the atrazine monitoring program ever</p> <p>23 seek approval for funding any part of it from any</p> <p>24 person outside of Syngenta Crop Protection, Inc.?</p> <p>25 A. I don't know.</p>
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<p>1 the collection of the samples.</p> <p>2 Q. Did you have any knowledge of who he</p> <p>3 retained to collect samples?</p> <p>4 A. I don't recall who he retained -- who he</p> <p>5 retained, if he -- if he disclosed it, I don't</p> <p>6 recall it.</p> <p>7 Q. Okay. And in terms of the analysis of the</p> <p>8 samples collected, who was responsible for that?</p> <p>9 A. The study director.</p> <p>10 Q. Yes, how was the analysis done?</p> <p>11 A. I don't know how the analysis were done.</p> <p>12 Q. Did you get reports of the analysis?</p> <p>13 A. I did receive reports.</p> <p>14 Q. And did you do anything with the reports in</p> <p>15 terms of disclosing them to any other people?</p> <p>16 A. My responsibility was to ensure that the</p> <p>17 samples were taken and the analyses were done and</p> <p>18 the reports were generated. My responsibility did</p> <p>19 not include summarizing data, reporting data. That</p> <p>20 was outside of my responsibility.</p> <p>21 Q. Okay. Who was responsible for reporting</p> <p>22 data?</p> <p>23 A. The study director will have -- has</p> <p>24 responsibility for reporting.</p> <p>25 Q. And it's your understanding that Mr.</p>	<p>1 Q. Would that have happened in the regular</p> <p>2 course?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay.</p> <p>5 A. Can we take a quick break?</p> <p>6 Q. Of course.</p> <p>7 THE VIDEOGRAPHER: Stand by.</p> <p>8 Going off the record. The time is 10:25</p> <p>9 and 55 seconds.</p> <p>10 (A BRIEF RECESS WAS TAKEN.)</p> <p>11 THE VIDEOGRAPHER: We're going back on the</p> <p>12 record. The time is 10:37 and 54 seconds.</p> <p>13 Please continue.</p> <p>14 (Plaintiff's Exhibit 1: An e-mail string</p> <p>15 with the top from Paul Francis dated 3/17/03,</p> <p>16 Bates SYN02737460 - 461 marked for</p> <p>17 identification, as of this date.)</p> <p>18 Q. I'm going to show you what's been marked as</p> <p>19 Exhibit 1. Unfortunately, I have one of these, so</p> <p>20 it's the only one that I'm limited to, one copy.</p> <p>21 While your counsel is looking at this, I'll</p> <p>22 just tell you that we've been given in production a</p> <p>23 number of documents that -- some of which include</p> <p>24 e-mail exchanges involving you. So some of these</p> <p>25 questions I'll be asking you will involve some of</p>

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<p>1 those e-mail exchanges, okay?</p> <p>2 If you want to look at Exhibit 1. This is</p> <p>3 an e-mail exchange on March 17th, 2003. It's</p> <p>4 Syngenta 37460 through 37461. Please familiarize</p> <p>5 yourself with it. You were an addressee on the</p> <p>6 e-mail exchange. I have some questions for you, sir.</p> <p>7 Do you know what that is?</p> <p>8 A. It's a two-page document.</p> <p>9 Q. Okay. Besides being two pieces of paper, do</p> <p>10 you know what it is?</p> <p>11 A. It's a memo from Paul Francis.</p> <p>12 Q. To whom?</p> <p>13 A. It's to John Parker and Dirk Drost.</p> <p>14 Q. Okay. So you're a person who received that</p> <p>15 e-mail, right?</p> <p>16 A. I don't recall receiving it.</p> <p>17 Q. Okay.</p> <p>18 A. My name is on it. I don't recall</p> <p>19 receiving it.</p> <p>20 Q. Okay. Well, I'm going to assume that what</p> <p>21 was given to us was, in fact, an accurate document,</p> <p>22 okay? And off the Syngenta system and that you, in</p> <p>23 fact, did receive it, like you say.</p> <p>24 Go down the line there on the project</p> <p>25 trials, 2003 trials. And where the 2003 trials list</p>	<p>1 A. It was the cost of doing two dietary</p> <p>2 residue studies in 2003.</p> <p>3 Q. Okay. And did you have any role in</p> <p>4 approving this?</p> <p>5 A. I don't recall receiving this and I don't</p> <p>6 recall whether I approved it or not.</p> <p>7 Q. Okay. If you look at the -- at the bottom</p> <p>8 of the e-mail, which is on the second page, it says</p> <p>9 all of these trials and studies are parts of approved</p> <p>10 projects.</p> <p>11 What does that mean?</p> <p>12 A. That means that the projects had</p> <p>13 previously been approved and sanctioned and these</p> <p>14 costs -- this was simply a recitation of the costs</p> <p>15 associated with them.</p> <p>16 Q. As part of your job, would you typically</p> <p>17 approve these sorts of projects?</p> <p>18 A. Part of my -- part of my responsibility</p> <p>19 as a project and portfolio manager is to approve</p> <p>20 the spend. I don't recall this particular</p> <p>21 instance.</p> <p>22 Q. If you look up at the top, it says, I</p> <p>23 should have requested approval for the total cost in</p> <p>24 the previous e-mail. So please find below the total</p> <p>25 external -- contract costs for dietary residue</p>
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<p>1 146-03 atrazine.</p> <p>2 Do you see that?</p> <p>3 A. I do.</p> <p>4 Q. Okay. What would the \$1,600 be?</p> <p>5 A. It's under a column titled EFTN cost.</p> <p>6 Q. What's that mean to you?</p> <p>7 A. It's a electronic data capture tool,</p> <p>8 EFTN.</p> <p>9 Q. Okay. So what's it mean?</p> <p>10 A. It means that it's under the column of</p> <p>11 that is -- there's listed \$1,600.</p> <p>12 Q. It's a cost.</p> <p>13 And then it says total external contract</p> <p>14 costs and it says \$56,466, right?</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Okay. What would that number indicate?</p> <p>18 A. It was a cost of doing the work described</p> <p>19 here.</p> <p>20 Q. Okay. Well, tell me what the two numbers</p> <p>21 mean in conjunction with each other.</p> <p>22 One is it says the number of trials,</p> <p>23 there's going to be two. And then it says EFTN cost</p> <p>24 1,600, and then total external contract costs 56,446.</p> <p>25 What does this mean?</p>	<p>1 studies being started in 2003 for approval, Paul.</p> <p>2 Now, is Paul at Syngenta Crop Protection?</p> <p>3 A. Paul Frances is in Syngenta Crop</p> <p>4 Protection, Inc.</p> <p>5 Q. And where is John Parker?</p> <p>6 A. John Parker is no longer with the</p> <p>7 company.</p> <p>8 Q. Okay. At that time where was he?</p> <p>9 A. I think John -- at that time John worked</p> <p>10 from England.</p> <p>11 Q. Where in England?</p> <p>12 A. I don't know.</p> <p>13 Q. And he had to approve these, didn't he?</p> <p>14 He had to approve these expenses?</p> <p>15 A. I don't know whether John approved these</p> <p>16 expenses or not.</p> <p>17 Q. And you're sure of that, right?</p> <p>18 You don't -- you just simply don't remember</p> <p>19 that?</p> <p>20 A. I don't remember whether John approved</p> <p>21 these expenses or not.</p> <p>22 Q. Do you remember whether John approved any</p> <p>23 expenses that were also being submitted to you for</p> <p>24 different studies?</p> <p>25 A. No, I don't.</p>

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<p>1 Q. You have no recollection of that?</p> <p>2 A. That's what I said, I have no</p> <p>3 recollection.</p> <p>4 Q. Okay. All right. Look at the bottom of the</p> <p>5 last line of the first page where it says, I am</p> <p>6 requesting approval for a PO with American Ag</p> <p>7 Services to support the following studies at a unit</p> <p>8 cost of 800 per trial.</p> <p>9 What does that mean?</p> <p>10 A. I don't know what the author intended.</p> <p>11 Q. Would you agree from this document that</p> <p>12 Paul Frances is asking John Parker to approve these</p> <p>13 expenses?</p> <p>14 A. I don't know what -- what the author's</p> <p>15 intent was.</p> <p>16 Q. Well, just read the document. You're</p> <p>17 copied on the document. The author was requesting</p> <p>18 approval for PO. Is that a purchase order?</p> <p>19 A. PO sometimes means purchase order, yes.</p> <p>20 Q. Okay. Do you think it meant it there?</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. And where -- what entity was John</p> <p>23 Parker in Great Britain?</p> <p>24 A. I don't know.</p> <p>25 Q. Was he at Greensboro at Syngenta Crop</p>	<p>1 Q. Okay.</p> <p>2 (Plaintiff's Exhibit 2: An e-mail string</p> <p>3 with the top from Viji Gowda dated 5/21/03,</p> <p>4 Bates SYN00899481 - 482 marked for</p> <p>5 identification, as of this date.)</p> <p>6 Q. I'll hand you what's been marked as Exhibit</p> <p>7 Number 2. This is a Syngenta document Bates range</p> <p>8 899481, 482, e-mail exchange, May 21, 2003.</p> <p>9 Please take a look at this document and</p> <p>10 I'll ask you some questions, sir.</p> <p>11 Who is Viji Gowda?</p> <p>12 A. I don't know.</p> <p>13 Q. But Viji Gowda worked at USGR; is that your</p> <p>14 understanding from this e-mail address?</p> <p>15 A. I don't know Viji Gowda.</p> <p>16 Q. And is this an amphibian study that's being</p> <p>17 discussed?</p> <p>18 A. I've not ever seen this document before.</p> <p>19 Q. Okay. And look in the top line where Mr.</p> <p>20 Alan Hosmer, do you know who he is?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. What his job?</p> <p>23 A. I don't know what his role is. But I do</p> <p>24 know him.</p> <p>25 Q. Okay. Does he work at Syngenta Crop</p>
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<p>1 Protection, Inc.?</p> <p>2 A. I'm not sure I understand your question.</p> <p>3 Q. Well, John Parker, it says GBAP.</p> <p>4 Do you see that, after his name?</p> <p>5 A. GBAP, yes, I see that.</p> <p>6 Q. What's that acronym stands for?</p> <p>7 A. I don't know what that acronym stand for.</p> <p>8 Q. Okay. What does USGR behind your name stand</p> <p>9 for?</p> <p>10 A. Part of my e-mail address.</p> <p>11 Q. Okay. Does that stand for U.S. Greensboro</p> <p>12 Syngenta Crop Protection, Inc.?</p> <p>13 A. I don't know.</p> <p>14 Q. So you're telling me under oath here today</p> <p>15 that you don't know what the USGR behind your name on</p> <p>16 your e-mail address means, right, sir?</p> <p>17 A. I believe it is the United States</p> <p>18 Greensboro.</p> <p>19 Q. Okay.</p> <p>20 A. But I do not -- it's not a part of the</p> <p>21 business I get involved in. It's my e-mail</p> <p>22 address.</p> <p>23 Q. Has that been the same since you've started</p> <p>24 at Syngenta for the last ten years?</p> <p>25 A. I don't remember.</p>	<p>1 Protection, Inc.?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Do you know what he does there?</p> <p>4 A. He works in the product safety group.</p> <p>5 Q. Okay. And this e-mail, the first one, was</p> <p>6 to Mr. Bruce Thede and copied to Mr. Hosmer</p> <p>7 discussing an ecological risk assessment and studies</p> <p>8 that needed to be done, correct?</p> <p>9 If you look at the bottom of the first</p> <p>10 page.</p> <p>11 A. The bottom of the first page, I see Viji</p> <p>12 Gowda to Bruce Thede, yes.</p> <p>13 Q. Okay. And these are amphibian field studies</p> <p>14 that are referenced, correct?</p> <p>15 A. That's what the document says.</p> <p>16 Q. Okay. They were to be started in April of</p> <p>17 2003 and finished in April 2004, this e-mail</p> <p>18 suggests, correct?</p> <p>19 A. That's what I can read.</p> <p>20 Q. Okay. And this e-mail was seeking funding</p> <p>21 for that, correct?</p> <p>22 A. I've never seen the e-mail before.</p> <p>23 Q. Right.</p> <p>24 But you're also -- I'm going to get to the</p> <p>25 point of the fact that you were -- you were the</p>

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<p>1 person that they were ultimately seeking funding 2 from, you and a person named Mr. Parker on the top 3 e-mail? 4 Was this request ever made to you for 5 funding? 6 A. I don't know. 7 Q. Okay. Now look at the top e-mail. 8 And it reads Alan, could you please request 9 approval from Dirk Drost and John Parker for the 10 below study so that Katherine could assign a PO 11 number and I can pass this onto Robert Bruce. 12 Who is Katherine Dixon? 13 A. Katherine Dixon is a -- an employee of 14 Syngenta Crop Protection, Inc. 15 Q. What does she do? 16 A. I don't know her title. 17 Q. Okay. But she would assign a purchase order 18 number? 19 A. According to this document, she would 20 assign a purchase order number. 21 Q. And you're saying you have no personal 22 knowledge that she assigns purchase order numbers; is 23 that correct? 24 Is that what your testimony is? 25 A. No, I didn't say that.</p>	<p>1 Q. Okay. 2 A. It doesn't say required, it says 3 requested. 4 Q. Okay. 5 A. That's why I answered no. 6 Q. All right. Well, then let me ask you this 7 way, if John Parker declined to approve this, is it 8 your testimony the study would have gone forward 9 anyway? 10 MR. SURPRENANT: Object to the form. 11 A. Would you repeat the question, please. 12 Q. Sure. 13 If John Parker declined to approve this 14 request for amphibian studies, is it your testimony 15 the studies would have gone forward anyway? 16 MR. SURPRENANT: Object to the form. 17 A. Yes, I -- if I approved this work, it 18 would have gone on. 19 Q. Okay. Did not require John Parker's 20 approval with yours? 21 A. No, in this case if I would have approved 22 it, it would have gone on. 23 Q. Okay. 24 A. I do not recall this particular instance. 25 (Plaintiff's Exhibit 3: An e-mail string</p>
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<p>1 Q. Do you have personal knowledge that she 2 does that? 3 A. I said I knew Katherine Dixon, and she 4 worked for Syngenta Crop Protection, Inc. And 5 that's what I had previously said. 6 Q. Okay. Does she work in a role of assigning 7 purchase order numbers? 8 A. She did. I don't know what she -- 9 whether she continues to do that now. 10 Q. Okay. And then the reference here to John 11 Parker is the name same John Parker we referenced who 12 was from Great Britain, correct? 13 A. I don't know. 14 Q. You say you don't know John Parker? 15 A. I do know John Parker. I can only read 16 the document as you do and see the name John 17 Parker. I do know a person named John Parker. 18 Q. Okay. And his approval was required before 19 this funding could proceed and a purchase order could 20 be issued; is that correct? 21 A. No. 22 Q. Doesn't that -- isn't that exactly what the 23 e-mail says, sir? 24 A. The document says his -- his approval was 25 requested.</p>	<p>1 with the top from Viji Gowda dated 7/8/03, 2 Bates SYN00910044 - 45 marked for 3 identification, as of this date.) 4 Q. Let me show you what's been marked as 5 Exhibit 3. This is another e-mail concerning the 6 same field studies, isn't it, sir? 7 Is this another e-mail concerning the same 8 field studies? 9 A. Part of the e-mail appears to be 10 referring to the same two studies. 11 Q. Okay. And just so the record's clear, this 12 is Syngenta 910044, 45. And it's an e-mail exchange 13 taking place in July 2003. And you were included in 14 some of these e-mails, weren't you, sir? 15 A. I -- my name is on the copy list. 16 Q. Okay. And in the -- on the page 44 there's 17 a reference to you and John, and that's to John 18 Parker, middle of the page on the first page, sir. 19 He says, I am requesting for the formal 20 approval for these two studies as these studies are 21 part of the ongoing atrazine eco risk project, the 22 same two, Viji. 23 Now, where were those tests to be 24 performed? 25 A. I don't recall the two studies or where</p>

15 (Pages 54 to 57)

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<p>1 they were to be performed.</p> <p>2 Q. And then the exchange was sent to Mr.</p> <p>3 Parker, and he was asked to approve the studies for</p> <p>4 amounts of \$108,421 for the first one, and \$129,166</p> <p>5 for the second one, wasn't he?</p> <p>6 A. I said I don't recall the document. I</p> <p>7 don't recall seeing it before.</p> <p>8 Q. Okay.</p> <p>9 A. All I can do is read it.</p> <p>10 Q. You don't deny that you received this</p> <p>11 e-mail exchange, right?</p> <p>12 Your name's listed on it?</p> <p>13 A. I don't recall receiving it.</p> <p>14 Q. Okay. And what did Mr. Parker say?</p> <p>15 He said, are these covered by the planned</p> <p>16 \$12.3 million budget? If so, please confirm and</p> <p>17 proceed.</p> <p>18 A. That's correct. That's -- that's what it</p> <p>19 says.</p> <p>20 Q. Okay. Did you send an e-mail approving it?</p> <p>21 A. I don't remember.</p> <p>22 Q. Okay. But Mr. Parker approved it, didn't</p> <p>23 he?</p> <p>24 A. As I said previously, if I had approved</p> <p>25 it, it would proceed. And John Parker concurred.</p>	<p>1 A. If I approved them, they went forward.</p> <p>2 Q. Who approved the studies in the document?</p> <p>3 Can you understand my question, sir?</p> <p>4 MR. SURPRENANT: Object to the form.</p> <p>5 A. This document indicates that John</p> <p>6 concurred and the studies proceeded.</p> <p>7 Q. Who did he concur with?</p> <p>8 A. He concurred with the request.</p> <p>9 Q. Okay. And that means he approved them and</p> <p>10 they proceeded, right?</p> <p>11 If he said if so, please confirm and</p> <p>12 proceed.</p> <p>13 A. That's what the document says.</p> <p>14 Q. All right.</p> <p>15 MR. SURPRENANT: Off the record a second.</p> <p>16 Steve, he's going to make a copy unless you</p> <p>17 need it right now.</p> <p>18 MR. TILLERY: No, I don't.</p> <p>19 MR. CRAIG: You might want to staple that</p> <p>20 copy together.</p> <p>21 (Plaintiff's Exhibit 4: An e-mail string</p> <p>22 with the top from John Parker dated 7/30/03,</p> <p>23 Bates SYN01100954 marked for identification,</p> <p>24 as of this date.)</p> <p>25 Q. I'll show you what's been marked as</p>
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<p>1 Q. If John Parker's approval was not required,</p> <p>2 why was he being asked for it, sir?</p> <p>3 MR. SURPRENANT: Object to the form.</p> <p>4 A. I don't know.</p> <p>5 Q. Okay. And the response was yes, it is</p> <p>6 covered by the planned budget. Thank you for your</p> <p>7 quick response.</p> <p>8 And did the project go forward after Mr.</p> <p>9 Parker approved it, sir?</p> <p>10 A. I don't recall -- I don't recall the two</p> <p>11 studies. But if I approved them, they went</p> <p>12 forward.</p> <p>13 Q. Actually, Mr. Parker approved them from --</p> <p>14 in this e-mail exchange. Your approval is nowhere on</p> <p>15 this e-mail exchange, is it?</p> <p>16 MR. SURPRENANT: Object to form.</p> <p>17 A. There's document -- the document -- I can</p> <p>18 just read the document. I said I hadn't seen it</p> <p>19 before.</p> <p>20 Q. Okay. But look at it and show me where you</p> <p>21 approved anything.</p> <p>22 A. This document doesn't -- doesn't include</p> <p>23 my approval.</p> <p>24 Q. Okay. Tell me who approved the studies in</p> <p>25 this document?</p>	<p>1 Exhibit 4. This is a July 30th, 2003 e-mail exchange,</p> <p>2 Syngenta 1100954, single page. And it starts off</p> <p>3 with an e-mail from Mr. Steven Wall showing a</p> <p>4 Greenville e-mail address asking to you and Mr.</p> <p>5 Parker, Mr. John Parker, I need to establish a PO for</p> <p>6 endangered species work with atrazine, \$35,000. The</p> <p>7 task is for outside consulting fees related to an</p> <p>8 atrazine endangered species assessment. It is a</p> <p>9 critical component of the ongoing IRED activities and</p> <p>10 must be conducted this year.</p> <p>11 Do you see that?</p> <p>12 A. I'm reading it, yes. I see those words</p> <p>13 here.</p> <p>14 Q. Okay. And you see your name on the e-mail</p> <p>15 exchanges too, don't you?</p> <p>16 A. I do.</p> <p>17 Q. All right. And did Mr. Parker approve it?</p> <p>18 A. I approved it. And it went on.</p> <p>19 Q. Where is your approval?</p> <p>20 Was that left out of the group of documents</p> <p>21 sent to us, you think?</p> <p>22 A. I don't know. I don't know where --</p> <p>23 where they -- where the approval is or where the</p> <p>24 document came from.</p> <p>25 Q. Well, let's look at this page --</p>

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<p>1 A. I'm looking -- I'm looking at it. 2 Q. -- number four and show me where your 3 approval is on that one. 4 A. It was sent to me, I was aware of it. 5 That's all that says. 6 Q. Okay. Now, would you answer my question. I 7 asked you where is your approval on that page? 8 A. I don't see my approval on that page. 9 Q. Do you see an approval on that exhibit? 10 A. Pardon? 11 Q. Do you see an approval on that exhibit? 12 A. I see a statement that says, if this is 13 included in the 12.35 M for 2003, then proceed. 14 That is not an approval. 15 Q. Okay. And did the study go forward? 16 A. To the best of my knowledge, the study 17 went forward because it was a regulatory 18 requirement, and we do studies that are regulatory 19 requirements. 20 Q. And that language you just read was signed 21 by John for John Parker, correct? 22 A. It says -- it says if this is included in 23 the 12.3 million, which is the -- was the budgeted 24 spend, then please proceed. That's not an 25 approval. That's just a -- that for me is just</p>	<p>1 memorandum of agreement mandate, correct? 2 A. I read that, yes. That's what I 3 understand it to be. 4 Q. E-mail to you is we need an approval to 5 initiate the water survey activities per atrazine 6 memorandum of agreement mandate for EPA submission by 7 February 2004. 8 A. Yes, that's what it says. 9 Q. And yes, this one is accounted for under 10 the 2003 budget cap, correct? 11 A. That's what it says. 12 Q. And then the last line is, please forward 13 to John Parker for approval if you agree, correct? 14 A. That's what the document says. 15 Q. Okay. And that's the same John Parker we've 16 been talking about, right? 17 A. I believe so. 18 Q. Okay. So they submitted it to you first, 19 correct? 20 A. Yes, they sent it to me. 21 Q. And then you sent your approval. This is 22 approved, I've copied John for his concurrence, and 23 that's John Parker, right? 24 A. Sure. 25 Q. And then John Parker approves it in the</p>
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<p>1 awareness and consultation. 2 Q. Okay. So telling somebody to proceed with 3 it is just showing your awareness, right? 4 Is that what you're testifying to here? 5 A. No. What I said was that if this is 6 included, it says conditional. If this is 7 included, then please proceed. 8 Q. Okay. So if -- what does that mean to you, 9 if it's not included, come back to me? 10 A. If it's not included, don't -- don't do 11 it. 12 Q. Okay. All right. Now let's look at 13 Exhibit 5. 14 (Plaintiff's Exhibit 5: An e-mail string 15 with the top from Summao Chen dated 8/4/03, 16 Bates SYN01178402 marked for identification, 17 as of this date.) 18 Q. This is a August 4, 2003 e-mail exchange, 19 Syngenta 1178402. 20 A. I've read the document. 21 Q. Do you remember this document? 22 A. No, I don't recall this one. 23 Q. Here we have an e-mail to you and to -- 24 actually just to you requesting funding approval for 25 the community water system water survey per the</p>	<p>1 next e-mail, fine by me, correct? 2 A. No, that's not the way I understand this 3 document. 4 Q. Okay. So the words fine by me mean 5 something other than go forward? 6 A. This document says -- my response is this 7 is approved, stop. I've copied John for his 8 concurrence. All I was doing was informing John 9 Parker that these funds had been disbursed. I did 10 not ask John Parker for his approval. 11 Q. And his -- the word concurrence is the same 12 as informing him? That's what you think? That's 13 what concurrence means? 14 MR. SURPRENANT: Object to the form. 15 A. In this context, the intent was to inform 16 him. I had clearly approved the expense. 17 Q. Okay. And then it was only after Mr. Parker 18 responded with fine by me that the PO request was 19 sent to Katherine Dixon, wasn't it? 20 A. I don't know what the timing of the 21 events were. 22 Q. Well, let me refresh your recollection. 23 The timing was you sent an e-mail on August 1st, 2001 24 copying Peter Hertl and John Parker giving your 25 approval. Do you see that?</p>

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<p>1 A. No, I don't.</p> <p>2 Q. Okay.</p> <p>3 A. I see a date August 1, 2003.</p> <p>4 Q. Yes, August 1, 2003. You see that date?</p> <p>5 And you say, this is approved, I've copied</p> <p>6 John for his concurrence -- concurrence.</p> <p>7 Do you see that?</p> <p>8 A. That's what it says.</p> <p>9 Q. Okay. And then Mr. Parker didn't respond</p> <p>10 for three more days, correct?</p> <p>11 You see that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So on August 4th he sent his response</p> <p>14 regarding funding approval, fine by me, and then five</p> <p>15 hours later the person who had requested this, Mr.</p> <p>16 Chen, sent along with he -- Mr. Parker's response</p> <p>17 e-mail, sent it to Katherine Dixon for the purchase</p> <p>18 order, correct?</p> <p>19 A. That's what the document says. This is</p> <p>20 what the document means. I approved the study and</p> <p>21 the study proceeded. I informed John Parker and it</p> <p>22 -- and he did not dispute it.</p> <p>23 Q. Actually, the study did not proceed until</p> <p>24 he approved it? Isn't that really the truth sir?</p> <p>25 A. No, that's not the case at all.</p>	<p>1 should look at it, involves the atrazine monitoring</p> <p>2 program development and support work of both a budget</p> <p>3 overrun and atrazine ecological monitoring program</p> <p>4 site selection, atrazine water shed exposure and a</p> <p>5 different study.</p> <p>6 A. I'd like to take a moment to read the</p> <p>7 document.</p> <p>8 Q. Absolutely.</p> <p>9 Do you remember this document?</p> <p>10 A. No.</p> <p>11 Q. Is this the sort of thing you would have</p> <p>12 been requested in 2003 to approve?</p> <p>13 A. I don't recall this particular document.</p> <p>14 And I can't speculate as to this is -- whether this</p> <p>15 is the sort of thing or not that I would ask for in</p> <p>16 2003. I simply don't remember.</p> <p>17 Q. You don't deny that you received these</p> <p>18 e-mails, right?</p> <p>19 A. I -- according to the e-mail, I received</p> <p>20 it. I do not recall the document.</p> <p>21 Q. Okay. All right. The first e-mail that it</p> <p>22 shows that you received was to you and Mr. Parker</p> <p>23 copying a number of other people on the e-mail,</p> <p>24 including Katherine Dixon, Peter Hertl, Dennis</p> <p>25 Hackett and Bruce Thede.</p>
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<p>1 Q. And the study did not go forward until Mr.</p> <p>2 Parker responded?</p> <p>3 A. That's not the case. The intent was for</p> <p>4 the study to be sanctioned for implementation upon</p> <p>5 my approval.</p> <p>6 Q. I want you to give me an example in any of</p> <p>7 these, tell me right now if any one that you approved</p> <p>8 that you can remember without it getting authority</p> <p>9 from Mr. Parker, tell me one of them.</p> <p>10 A. I didn't -- didn't obtain authority from</p> <p>11 Mr. Parker on any of these.</p> <p>12 Q. Okay. So none of these, all these e-mail</p> <p>13 exchanges where he approves, involved an approval to</p> <p>14 Mr. Parker, right?</p> <p>15 A. What I said was this is approved, this</p> <p>16 document that you referred to says this is</p> <p>17 approved, I've copied John for his concurrence.</p> <p>18 That's what the document says.</p> <p>19 (Plaintiff's Exhibit 6: An e-mail string</p> <p>20 with the top from Dirk Drost dated 10/20/03,</p> <p>21 Bates SYN01998108 - 110 marked for</p> <p>22 identification, as of this date.)</p> <p>23 Q. Let's look at Exhibit 6. This is a</p> <p>24 Syngenta 998108 through 998110 e-mail exchange in</p> <p>25 October of 2003. And this e-mail exchange, you</p>	<p>1 A. Okay.</p> <p>2 Q. Okay. And that e-mail occurred on</p> <p>3 October 13th, 2003. And in that particular e-mail an</p> <p>4 individual named Paul Hendley is a Syngenta fellow</p> <p>5 environmental risk assessment at Syngenta Crop</p> <p>6 Protection, Inc.</p> <p>7 Do you know who he is?</p> <p>8 A. Yes, I know Mr. -- Dr. Paul Hendley.</p> <p>9 Q. Okay. And he was in his e-mail saying,</p> <p>10 quote, I need approval for the following programs</p> <p>11 that have come to the forefront as a result of our</p> <p>12 efforts last week to consolidate the budget position</p> <p>13 and 2003 spend, and then he cites a number of</p> <p>14 different studies involving atrazine monitoring</p> <p>15 program and atrazine watershed exposure, atrazine</p> <p>16 ecological monitoring program. And he says that to</p> <p>17 Mr. John Parker and Dirk Drost. So he says to John</p> <p>18 and Dirk, doesn't he?</p> <p>19 A. It is addressed to John and I, yes.</p> <p>20 Q. And seeking approval?</p> <p>21 A. He's seeking my approval, yes.</p> <p>22 Q. Oh, he's not also seeking Mr. Parker's</p> <p>23 approval?</p> <p>24 A. It's addressed to both of us.</p> <p>25 Q. Okay. And he says I need approval. And</p>

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<p>1 then the first e-mail back is from Mr. Parker, 2 correct? 3 A. That's what -- that's what it looks like. 4 Q. And it says dear all, sorry for delay. He 5 doesn't respond for four days, correct? 6 A. That's correct, four days. 7 Q. And he says, sorry for delay, following 8 discussions with Dennis, et al., please take this 9 note as approval to proceed, John, correct? 10 A. That's what it says. 11 Q. So would you agree that he gave his 12 approval to proceed, sir? 13 A. He did. And so did I. 14 Q. Okay. And John Parker is a person listed at 15 crop protection development business manager Syngenta 16 CTL, Alderley Park, Chesire, United Kingdom, correct? 17 See below his name? 18 A. Yeah, that's -- you had asked earlier 19 where he was based, apparently that's where he was 20 based. 21 Q. Okay. And is that part of -- strike that. 22 Do you know which Syngenta subsidiary that 23 is? 24 A. No. 25 Q. All right. Is Mr. Parker a person you</p>	<p>1 A. He looked to me for -- for approval from 2 Syngenta Crop Protection, Inc. 3 Q. And what was your communication with him in 4 terms of which studies? 5 A. I don't recall the communication. This 6 document is an example. But he responded before I 7 did, often with e-mail, the delayed -- the response 8 and delays, things are not coordinated. He 9 responded on this one first. I agreed with his 10 response. The studies were approved and they went 11 forward. 12 Q. Yeah, I'm asking you the types of things 13 you partnered with him on. What were the other 14 projects you worked with Mr. Parker on? 15 A. I don't remember all of the projects that 16 I worked with Mr. Parker on. 17 Q. How many? How many? 18 A. I don't remember how many. There's a few 19 of examples are here that in addition to atrazine, 20 there's a project called the abamectin exposure 21 project, the Valencia study, among other studies. 22 That's what the document says. 23 Q. Would it be fair to say you were working 24 with him at -- with some ongoing study up until the 25 time he left?</p>
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<p>1 communicated with by e-mail frequently? 2 A. I communicated with Mr. Parker by e-mail 3 and by telephone. 4 Q. And how often did you communicate with him? 5 A. I don't recall. 6 Q. Is he still with the company? 7 A. I previously stated he is no longer with 8 the company. 9 Q. When did he leave the company? 10 A. I don't remember. 11 Q. Has it been in the last two years? 12 A. I don't remember the exact timing of his 13 departure. It's been recently. But I don't 14 remember how recently. 15 Q. Up until the time he left, how frequently 16 did you communicate with Mr. Parker? 17 A. I worked with John Parker as a partner 18 and we worked together. We worked on issues of -- 19 that we had a mutual interest in. 20 Q. And what were the issues that you partnered 21 with him on? 22 A. On the -- I worked with him on approval 23 for studies. 24 Q. And how did you work with Mr. Parker for 25 approval on studies?</p>	<p>1 A. I don't recall whether that happened or 2 not. 3 Q. And would it be fair to say that you 4 consulted him frequently? 5 A. No, it wouldn't be accurate to say that. 6 (Plaintiff's Exhibit 7: An e-mail string 7 with the top from John Parker dated 12/7/03, 8 Bates SYN02590706 - 707 marked for 9 identification, as of this date.) 10 Q. Take a look at Number 7, sir. 11 And this is Syngenta 2590706 and 0707, 12 another e-mail exchange. This one occurring in 13 December 2003. 14 Do you remember this one? 15 A. No. 16 Q. This one appears to be from a person by the 17 name of Warner Phelps at Syngenta Crop Protection, 18 Inc. asking for permission to proceed with a atrazine 19 trend analysis incorporating 2001 and 2002 data at 20 EPA's request, total cost of \$45,000, asking both you 21 and first Mr. Parker for approval; is that correct? 22 A. The document is addressed to John Parker 23 and to I. 24 Q. And you responded that day that a -- with 25 -- with a simple okay, right?</p>

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<p>1 A. That was an approval.</p> <p>2 Q. Okay. Is an okay approval?</p> <p>3 A. In this case okay --</p> <p>4 Q. If you said -- if you said proceed, would</p> <p>5 that be an approval?</p> <p>6 A. If I said proceed, that would signify my</p> <p>7 approval.</p> <p>8 Q. Okay. Now, the next -- or first page is</p> <p>9 from John Parker. He's saying to Warner please go</p> <p>10 ahead. Is that an approval?</p> <p>11 A. I don't know what John's intent was.</p> <p>12 Q. Okay. So when he says please go ahead, you</p> <p>13 don't know what that means, that could be turning it</p> <p>14 down maybe or -- explain that to me.</p> <p>15 MR. SURPRENANT: Object to the form.</p> <p>16 A. I do not know how to interpret John</p> <p>17 Parker's words.</p> <p>18 Q. Okay.</p> <p>19 A. I didn't write them.</p> <p>20 Q. And then he asked for clarification from</p> <p>21 Mr. -- Mr. Hackett, and Mr. Hackett gives him</p> <p>22 clarification. And then John Parker responds saying</p> <p>23 thanks for the clarification. Anything that we can</p> <p>24 legitimately put to 2003 and get up to two up to 11.7</p> <p>25 would be of help since we will come in under budget,</p>	<p>1 Do you see this?</p> <p>2 A. Yes, I'm reading it. I've read it.</p> <p>3 Q. Bruce, T-H-E-D-E, how do you pronounce</p> <p>4 that, sir?</p> <p>5 A. I pronounce it Thede.</p> <p>6 Q. Thede.</p> <p>7 He asks -- strike that.</p> <p>8 Mr. Thede sends this to Hans Weber at Basel</p> <p>9 and you. Who was Hans Weber?</p> <p>10 A. Hans -- Hans Weber was my -- had a role</p> <p>11 similar to mine in Basel at that time. I was the</p> <p>12 -- I'm the NAFTA -- or portfolio and project leader</p> <p>13 and Mr. Weber had a role similar in Europe for</p> <p>14 Europe based in Basel.</p> <p>15 Q. And his role was limited to Europe?</p> <p>16 A. His responsibilities were for the Europe</p> <p>17 business and mine were for the NAFTA business, yes.</p> <p>18 Q. Okay. Can you tell me what's being</p> <p>19 requested in this e-mail exchange?</p> <p>20 A. Yes, this is just requesting the creation</p> <p>21 of a task, a specific task in the -- in the</p> <p>22 portfolio project management system.</p> <p>23 Q. And the task is an atrazine amphibian</p> <p>24 laboratory study, correct?</p> <p>25 A. That's what the document says.</p>
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<p>1 John, correct?</p> <p>2 A. That's what it says.</p> <p>3 Q. What budget is he talking about?</p> <p>4 A. I think my -- my -- I recall that he --</p> <p>5 they were talking about a development -- the</p> <p>6 development budget.</p> <p>7 Q. Which development budget?</p> <p>8 A. The crop protection -- Syngenta Crop</p> <p>9 Protection, Inc. development budget. And I</p> <p>10 approved this expenditure on behalf of Syngenta</p> <p>11 Crop Protection, Inc.</p> <p>12 MR. TILLERY: Yeah, I move to strike that</p> <p>13 as unresponsive. There was no question on the</p> <p>14 table.</p> <p>15 Q. My question to you was which development</p> <p>16 budget. So I move it to strike it as unresponsive.</p> <p>17 Now let's move to the next one, which is</p> <p>18 Number 8.</p> <p>19 (Plaintiff's Exhibit 8 An e-mail document</p> <p>20 from Bruce Thede dated 3/29/04, Bates</p> <p>21 SYN00905507 marked for identification, as of</p> <p>22 this date.)</p> <p>23 Q. Got a couple extras here too.</p> <p>24 This is Syngenta 905507. It's an e-mail</p> <p>25 exchange March 29th, 2004.</p>	<p>1 Q. And it's to be conducted at Jealott's Hill</p> <p>2 aquatic tox facility.</p> <p>3 What was that?</p> <p>4 A. It's a laboratory facility.</p> <p>5 Q. Where?</p> <p>6 A. That laboratory facility was at -- was a</p> <p>7 at Jealott's Hill.</p> <p>8 Q. Did Syngenta Crop Protection, Inc. have a</p> <p>9 similar laboratory facility at that time?</p> <p>10 A. I don't know.</p> <p>11 Q. Did you ever see one?</p> <p>12 A. I'm not -- I don't know.</p> <p>13 Q. And he's suggesting that since the task</p> <p>14 crosses several lines serving a NAFTA need but</p> <p>15 conducted in European facility, he'll leave it to you</p> <p>16 and Mr. Weber to decide who is the appropriate</p> <p>17 individual to create the task?</p> <p>18 A. That's what the document implies.</p> <p>19 Q. And what did you end up doing?</p> <p>20 A. I don't remember.</p> <p>21 MR. TILLERY: Our videographer tells us</p> <p>22 that he has to change tapes. So we have to</p> <p>23 take a break right now.</p> <p>24 THE VIDEOGRAPHER: Stand by.</p> <p>25 This marks the end of videotape number</p>

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<p>1 one, volume one in the deposition of Dirk 2 Drost. Going off the record. The time is 3 11:29 and 39 seconds. 4 (A BRIEF RECESS WAS TAKEN.) 5 THE VIDEOGRAPHER: This marks the 6 beginning of videotape number two, volume one 7 in the deposition of Dirk Drost. The time is 8 11:40 and 26 seconds. 9 Please continue. 10 (Plaintiff's Exhibit 9: An e-mail 11 document from Merrill Tisdell dated 6/16/04, 12 Bates SYN01022688 marked for identification, 13 as of this date.) 14 Q. If you'd look at Exhibit Number 9, please. 15 Do you remember this exchange? 16 A. No, I don't remember this document. But 17 I did read it. 18 Q. Okay. And you're listed after Mr. Parker as 19 one of the recipients of the e-mail exchange, right? 20 A. Yes, I am listed as a recipient. 21 Q. And Merrill Tisdell's an employee of 22 Syngenta Crop Protection, Inc.? 23 A. Merrill Tisdell is an employee based in 24 Greensboro. 25 Q. And seeking approval for acute studies?</p>	<p>1 or under spend. And they must have decided 2 70 percent was the trigger. 3 Q. Okay. And at the end of this it said -- 4 strike that. 5 You said they must have decided 70 percent 6 was the trigger. Who must have decided? 7 A. I don't know. It doesn't -- doesn't 8 refer to where -- where or who. 9 Q. Okay. 10 A. It alleges there was a 70 percent rule, 11 so. It doesn't say what the rule is or who 12 established it. 13 Q. Did this approval occur for this study? 14 A. This was a group of studies, apparently, 15 Q tox studies. I don't -- don't recall this 16 particular -- this particular instance and so I 17 can't answer your question. 18 Q. And look at the last question, the last 19 line, do I need to get specific approval for every 20 acute study I contract for these approved projects? 21 What did you answer? 22 A. I don't remember what I answered in this 23 particular case. 24 Q. Okay. Do you know who made the decision 25 for Mr. Tisdell?</p>
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<p>1 A. Yeah, that's what it says. 2 Q. All right. And the first line I want to 3 ask you a question or two about says, when I 4 requested task numbers to contract some acute studies 5 to satisfy the latest DCI for atrazine, I was made 6 aware of the 70 percent rule. 7 First of all, DCI for atrazine, what does 8 that stand for? 9 A. DCI is an abbreviation that has been used 10 for data call in. 11 Q. Okay. And the 70 percent rule? 12 A. I'm not familiar with the 70 percent 13 rule. 14 Q. If you read the next sentence, it says, 15 apparently we have passed 70 percent of the H-A-E-S 16 approved budget for 2004, and now all contracted 17 studies must be approved by you, John and Dirk, 18 correct? 19 A. That's what the document -- that's what 20 the paragraph says. 21 Q. And do you remember this occurring in 2004? 22 A. In 2004 I recall that we -- we were under 23 a budget constraints and we put some triggers into 24 the -- to the -- to -- as we always do to monitor 25 how far we've proceeded so we don't go over -- over</p>	<p>1 MR. SURPRENANT: Object to the form. 2 A. No. 3 (Plaintiff's Exhibit 10: An e-mail string 4 with the top from John Parker dated 10/5/04, 5 Bates SYN00818952 marked for identification, 6 as of this date.) 7 Q. Okay. And now if you'd look at Exhibit 8 Number 10, which is Syngenta 18952. 9 This is an October 2004 e-mail from Mr. 10 Viji Gowda? 11 A. Yeah, I'm reading it. I read it. 12 Q. Okay. And he says on behalf of Alan Hosmer, 13 he writes to you and Mr. John Parker, and it says, as 14 part of the ongoing work, we need to establish PO for 15 the amphibian work in support of atrazine, and gives 16 the study number. The cost associated with the study 17 is \$17,000. With this e-mail I kindly ask for formal 18 approval for this study. 19 Is that what it says? 20 A. The document that's -- that's what the 21 document says. 22 Q. All right. Do you remember this document? 23 A. No, I don't. 24 Q. All right. How many of these would you say 25 you get in a year?</p>

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<p>1 A. I don't --</p> <p>2 MR. SURPRENANT: Object to the form.</p> <p>3 A. I don't remember this document. And I</p> <p>4 don't remember how many I would have received.</p> <p>5 Q. Would you receive one of these a day?</p> <p>6 A. I don't know.</p> <p>7 Q. You have no way of estimating how many you</p> <p>8 would get?</p> <p>9 A. No, I have no way of estimating.</p> <p>10 Q. How many did you get last week?</p> <p>11 A. I don't know.</p> <p>12 Q. How many did you get yesterday?</p> <p>13 A. None.</p> <p>14 Q. Okay. How many did you get on Monday?</p> <p>15 A. I don't remember.</p> <p>16 Q. Okay. So Mr. Parker responds and says,</p> <p>17 please go ahead and add to committed dollars, doesn't</p> <p>18 he?</p> <p>19 A. That's what the document says.</p> <p>20 Q. Was that an approval?</p> <p>21 A. I don't know what his intent was.</p> <p>22 Q. Okay. E-mail exchange doesn't include an</p> <p>23 approval from you, does it?</p> <p>24 MR. SURPRENANT: Object to the form.</p> <p>25 A. There's no part of this document that</p>	<p>1 MR. SURPRENANT: They're marked the</p> <p>2 opposite.</p> <p>3 MR. TILLERY: Okay. That's fine.</p> <p>4 MR. SURPRENANT: You want to just change</p> <p>5 them?</p> <p>6 MR. TILLERY: Yeah, I'll correct it on the</p> <p>7 record.</p> <p>8 MR. SURPRENANT: Okay. That's fine.</p> <p>9 MR. TILLERY: So 11 is 926826, 827. And</p> <p>10 12 is 842873, 874.</p> <p>11 MR. SURPRENANT: Correct.</p> <p>12 Q. Take a look at those two, please.</p> <p>13 These are e-mails that occurred in</p> <p>14 October 2004, which included you as addressee, didn't</p> <p>15 they, sir? At least in some of them.</p> <p>16 A. Yes, I see my name on -- on both of the</p> <p>17 documents.</p> <p>18 Q. Do you remember these?</p> <p>19 A. No, I don't.</p> <p>20 Q. And if you would look, the first e-mail</p> <p>21 exchange on October the 21st is seeking approval for</p> <p>22 particular amphibian studies by Mr. Alan Hosmer. And</p> <p>23 he lists himself as manager ecological sciences,</p> <p>24 NAFTA, correct?</p> <p>25 A. That's what he lists his title as.</p>
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<p>1 includes an approval from me.</p> <p>2 Q. And do you remember whether this study went</p> <p>3 forward?</p> <p>4 A. No, I don't remember the specific study.</p> <p>5 Q. Okay.</p> <p>6 (Plaintiff's Exhibit 11: An e-mail string</p> <p>7 with the top from Alan Hosmer dated 10/22/04,</p> <p>8 Bates SYN00926826 - 827 marked for</p> <p>9 identification, as of this date.)</p> <p>10 (Plaintiff's Exhibit 12: An e-mail string</p> <p>11 with the top from John Parker dated 10/21/04,</p> <p>12 Bates SYN00842873 - 874 marked for</p> <p>13 identification, as of this date.)</p> <p>14 Q. I'm going to give two exhibits at the same</p> <p>15 time, sir. Exhibits 11 and 12. Ask you to look at</p> <p>16 those.</p> <p>17 11 is Syngenta 842873, 874. And 12 is</p> <p>18 Syngenta 926826, 827.</p> <p>19 MR. SURPRENANT: I think they may have</p> <p>20 been marked the opposite, Steve.</p> <p>21 MR. TILLERY: I'm sorry?</p> <p>22 MR. SURPRENANT: I think they have been</p> <p>23 marked the opposite.</p> <p>24 MR. TILLERY: I'm sorry. I have 11 at --</p> <p>25 11 is 84273.</p>	<p>1 Q. And if you look at who he's sending the</p> <p>2 e-mail to, he's sending it to you, to David Huggett</p> <p>3 at GBJH, that's Great Britain Jealott's Hill, isn't</p> <p>4 it, sir?</p> <p>5 A. It makes sense that that would be Great</p> <p>6 Britain Jealott's Hill if the other one is Great</p> <p>7 Britain AP.</p> <p>8 Q. Alderley Park?</p> <p>9 A. Yes, that makes sense.</p> <p>10 Q. Okay. And the person behind him is to the</p> <p>11 next addressee is johnparker@gbap@alderleypark, Great</p> <p>12 Britain?</p> <p>13 A. Okay.</p> <p>14 Q. Okay. And he's sending it for approval to</p> <p>15 the three of you. Do you know who Mr. Huggett is?</p> <p>16 A. Yeah, Mr. Huggett worked for -- worked</p> <p>17 with Mr. Parker. I don't remember what the working</p> <p>18 relationship was. But it was -- he was brought on</p> <p>19 during that time.</p> <p>20 Q. And in the October 22 exchange Mr. Hosmer</p> <p>21 seeks approval from Peter Campbell at GBJH Jealott's</p> <p>22 Hill. Who is Mr. Campbell? And that's Exhibit</p> <p>23 Number 11.</p> <p>24 A. No, I don't remember who Mr. Campbell</p> <p>25 was.</p>

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<p>1 Q. And he asked do you approve spend in 2004?</p> <p>2 This basically takes us close to earlier estimates</p> <p>3 before the money was reduced, Alan.</p> <p>4 A. Yeah, that's what it says.</p> <p>5 Q. And do you know why Mr. Hosmer would be</p> <p>6 seeking approval for this after he's gone to -- to</p> <p>7 you?</p> <p>8 A. No, I don't. I don't know what his</p> <p>9 intent was.</p> <p>10 Q. Do you have any Syngenta Crop Protection</p> <p>11 employees at Jealott's Hill?</p> <p>12 A. I don't know what the -- what the</p> <p>13 reporting relationship is at Jealott's Hill.</p> <p>14 Q. No, my question is do you have any Syngenta</p> <p>15 Crop Protection, Inc. employees working physically at</p> <p>16 Jealott's Hill?</p> <p>17 A. I don't know -- I do not know.</p> <p>18 Q. Okay.</p> <p>19 MR. SURPRENANT: Just for clarification,</p> <p>20 talking about the present time or at what</p> <p>21 point in time?</p> <p>22 Q. At this time or anytime, to your knowledge.</p> <p>23 A. I don't know.</p> <p>24 (Plaintiff's Exhibit 13: An e-mail string</p> <p>25 with the top from Alan Hosmer dated 12/14/04,</p>	<p>1 costs regarding the atrazine frog work, correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And he's seeking approval for additional</p> <p>4 funds?</p> <p>5 A. He says he needs to spend more in 2004</p> <p>6 than anticipated. That's what it says.</p> <p>7 Q. He said I can legitimately spend</p> <p>8 approximately 510,000 in 2004 for work completed in</p> <p>9 this year. The 2005 estimates are incomplete, will</p> <p>10 they need to be increased to somewhat over the</p> <p>11 current figures?</p> <p>12 A. That's what it says.</p> <p>13 Q. Okay. You don't dispute any of that?</p> <p>14 A. I don't.</p> <p>15 Q. You don't have an independent different</p> <p>16 recollection of that, do you?</p> <p>17 MR. SURPRENANT: Object to the form.</p> <p>18 A. No. I can only read what's on the</p> <p>19 document. And as I testified earlier, I don't</p> <p>20 recall receiving the document. But I can read it</p> <p>21 and that does say the things that you -- you</p> <p>22 mentioned.</p> <p>23 Q. And is it your testimony that you don't</p> <p>24 have any recollection of any of these exchanges?</p> <p>25 When you say I don't recall this, you don't have any</p>
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<p>1 Bates SYN00942173 - 174 marked for</p> <p>2 identification, as of this date.)</p> <p>3 Q. Please look at this e-mail exchange,</p> <p>4 Syngenta 942173, 174.</p> <p>5 A. Okay. I looked at it.</p> <p>6 Q. All right. And is this a follow-up to the</p> <p>7 last e-mail exchange we just discussed?</p> <p>8 A. I've never seen this document before, and</p> <p>9 so I don't know what the intent of the document</p> <p>10 was.</p> <p>11 Q. So you're listed as a person who --</p> <p>12 actually, the first person on the e-mail address.</p> <p>13 But you say you've never seen e-mail before, right?</p> <p>14 A. No, that's not what I said. We looked at</p> <p>15 the -- a part of it dated October 20, 2004 in the</p> <p>16 previous exhibit. But the subsequent pieces,</p> <p>17 October 21 and December 14, those two segments on</p> <p>18 page 2173, I have not seen those segments before.</p> <p>19 Q. Did you see the one, though, that was sent</p> <p>20 to you by Mr. Alan Hosmer dated October 20, 2004?</p> <p>21 Do you see that?</p> <p>22 A. I see it listed here. I don't -- as I've</p> <p>23 testified earlier, I don't recall receiving this.</p> <p>24 Q. Okay. In that e-mail he says he's in a</p> <p>25 better -- finally in a better position to estimate</p>	<p>1 recollection of any of these exchanges, right?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay.</p> <p>4 A. When I say I don't have any recollection,</p> <p>5 I mean I don't have any recollection.</p> <p>6 Q. What I mean is of the entire subject</p> <p>7 matter.</p> <p>8 MR. SURPRENANT: Object to the form.</p> <p>9 A. No, no. What I testified was I didn't</p> <p>10 recall receiving this specific document and that I</p> <p>11 hadn't seen the first two parts of the e-mail chain</p> <p>12 listed on page 942173. We hadn't looked at those</p> <p>13 earlier. So I haven't seen them before.</p> <p>14 Q. And the response to Mr. Hosmer on Thursday,</p> <p>15 October 21st, 2004 from Mr. Huggett was from Basel,</p> <p>16 wasn't he? No, I'm sorry, he's at Great Britain</p> <p>17 Jealott's Hill?</p> <p>18 A. Yeah, according to the e-mail, your</p> <p>19 interpretation of the e-mail address GBJH is Great</p> <p>20 Britain Jealott's Hill.</p> <p>21 Q. I mean, do you dispute that?</p> <p>22 A. No.</p> <p>23 Q. Okay. All right. And he said that he would</p> <p>24 discuss with John and get back to him. And that's</p> <p>25 John Parker, correct?</p>

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<p>1 MR. SURPRENANT: Object to the form. 2 A. I don't know. It says just John. 3 (Plaintiff's Exhibit 14: A Syngenta 4 Guideline document entitled CP PLCM Project 5 Management Handbook Version 1.1 May 2005, 6 Bates GRNVL0000080975 - 1018 marked for 7 identification, as of this date.) 8 Q. Okay. Take a look at Exhibit 14, sir, and 9 tell me what it is. 10 A. I may need to take a few minutes and 11 familiarize myself with this. 12 Q. Go ahead. That's fine. 13 If you're going to be a while, we'll go off 14 the record so you can spend some time. 15 A. I'm nearly finished. 16 Q. Okay. Do you know what this document is? 17 A. The document says CP PLC on project 18 management handbook. 19 Q. Are you familiar with it? 20 A. I'm familiar with parts of it. I haven't 21 seen it in its entirety and haven't reviewed it in 22 a long time. 23 Q. How long? 24 A. I don't remember the last time I pulled 25 it out and looked at it.</p>	<p>1 following persons have reviewed the current handbook 2 in spring of 2005, first column, sixth person, is 3 that your name? 4 A. My name is there. 5 Q. Okay. Now, when they sent this to you, did 6 you comment on it? 7 A. I don't remember. 8 Q. Okay. So you just have no recollection of 9 the document that goes to the heart of your 10 day-to-day work? 11 A. That's not -- 12 MR. SURPRENANT: Object to the form. 13 Q. Is that right? 14 A. That's not what I said. 15 Q. Okay. 16 A. I said I don't remember receiving the 17 document, being asked to review it or -- or any 18 comments that I might have provided. 19 Q. What does this document involve? Tell me 20 in an overview. 21 A. I didn't read it carefully. I scanned 22 it. What it includes, the principles of project 23 and portfolio management that I described to you 24 briefly earlier. 25 Q. And this is a control document for project</p>
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<p>1 Q. Was it placed in effect? 2 A. Pardon? 3 Q. Was it put into effect? 4 A. The principles include -- the principles 5 of project and portfolio management that I 6 described earlier appear to be included in this 7 document. 8 Q. Okay. Do you know whether this guideline 9 was implemented? 10 A. I do not know whether this guideline was 11 implemented or not. 12 Q. Okay. Was it ever given to you to review? 13 A. I can't remember whether it was given to 14 me to review or not. 15 Q. For what reason would it have been given to 16 you to review? 17 A. I can't -- that's -- I couldn't speculate 18 on that. 19 Q. Okay. So if you look at the very last page 20 of the document. 21 A. Okay. 22 Q. And that's Greenville 81018. 23 Do you see the last page? 24 A. Yes. 25 Q. Where it says 3.9. document reviewers, the</p>	<p>1 and portfolio management for the entire Syngenta 2 group of companies, isn't it? 3 A. No, that's not what I said. 4 Q. Okay. But isn't it just that? For Crop 5 Protection. 6 A. I don't know. 7 Q. Okay. Look on the first page of the 8 document. 9 A. Okay. 10 Q. When it says CP, do you know what CP stands 11 for? 12 A. I assume it means Crop Protection. 13 Q. Okay. When they gave you this to review in 14 2005, was there any question in your mind that it 15 involved the product lifecycle management project 16 management for Crop Protection? 17 A. I don't remember. 18 Q. Okay. And the Syngenta on the top of the 19 page, do you know what that reference is? 20 A. That's the logo that's used for the 21 Syngenta companies. 22 Q. Which Syngenta companies? 23 A. I don't know. 24 Q. All of them? 25 A. I don't know.</p>

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<p>1 Q. Okay. Did you follow this guideline as part</p> <p>2 of your day-to-day work?</p> <p>3 A. The principles outlined in the document</p> <p>4 of project and portfolio management are -- are</p> <p>5 utilized in my work.</p> <p>6 Q. Okay. Is -- take a look at this -- at the</p> <p>7 table of contents and tell me, it's -- consists of</p> <p>8 two pages, and tell me if you're aware of any changes</p> <p>9 in this document?</p> <p>10 In other words, are you aware of anything</p> <p>11 having changed in terms of how the product likes --</p> <p>12 lifecycle management works?</p> <p>13 MR. SURPRENANT: Changed from what point</p> <p>14 in time.</p> <p>15 A. This document was.</p> <p>16 MR. TILLERY: This document was issued in</p> <p>17 May of 2005.</p> <p>18 MR. SURPRENANT: Up until the present?</p> <p>19 MR. TILLERY: Right, up until the</p> <p>20 present.</p> <p>21 MR. SURPRENANT: Okay.</p> <p>22 Q. In other words, I want to know is there a</p> <p>23 different document?</p> <p>24 A. So could you restate your question. I</p> <p>25 think I heard two questions and I'm confused about</p>	<p>1 procedure which is discussed in the document apply</p> <p>2 today?</p> <p>3 A. I can't answer that question. I have not</p> <p>4 had the opportunity to read the entire document.</p> <p>5 Q. Well, let's do it part by part then.</p> <p>6 Let's look at page 7/44, which is Syngenta</p> <p>7 80981 under roles and responsibilities.</p> <p>8 A. Okay.</p> <p>9 Q. Okay. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Take a look at that and tell me in -- under</p> <p>12 2.1 if that's still in effect?</p> <p>13 A. The regulatory science committee doesn't</p> <p>14 exist.</p> <p>15 Q. Okay. Is there a replacement for it?</p> <p>16 A. I don't -- don't know.</p> <p>17 Q. Any other changes?</p> <p>18 A. The project and portfolio team, that</p> <p>19 nomenclature is different now.</p> <p>20 Q. What is it now?</p> <p>21 A. I believe -- I think we call it now</p> <p>22 multifunctional team.</p> <p>23 Q. Okay. What else?</p> <p>24 A. Professional products business unit is --</p> <p>25 is different, the nomenclature is different.</p>
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<p>1 which one I need to respond to.</p> <p>2 Q. I'm asking you is this current and in</p> <p>3 effect in terms of an outline of a current product</p> <p>4 lifecycle management project management handbook?</p> <p>5 A. I do not know if this is current. And I</p> <p>6 previously stated that I do not know if it is in</p> <p>7 effect.</p> <p>8 Q. Can you tell me then by looking at the</p> <p>9 table of contents and referencing any part of the</p> <p>10 guideline if it is inconsistent with the way you do</p> <p>11 your job today?</p> <p>12 A. Pardon me, but while I was reviewing the</p> <p>13 document, I -- you know, I may have -- I forgot the</p> <p>14 essence of the question again. So I apologize for</p> <p>15 asking you to repeat it.</p> <p>16 Q. Does this -- strike this.</p> <p>17 Is this document consistent as a procedural</p> <p>18 guideline with the way in which you do your job at</p> <p>19 Syngenta Crop Protection, Inc.?</p> <p>20 A. No, the document was -- is a -- fixed in</p> <p>21 time, and some of the names, the names and the</p> <p>22 acronyms have changed --</p> <p>23 Q. Okay.</p> <p>24 A. -- subsequent to this time.</p> <p>25 Q. Okay. Other than changing names, does the</p>	<p>1 Q. Okay. What is it today?</p> <p>2 A. Lawn and garden business.</p> <p>3 Q. Okay.</p> <p>4 A. Those are some differences that I note</p> <p>5 under that 2.1.</p> <p>6 Q. Well, let's go to the next one, 2.2, rules</p> <p>7 -- or roles governing bodies in product lifecycle</p> <p>8 management.</p> <p>9 Do you see that?</p> <p>10 A. I do.</p> <p>11 Q. The first one is SEC.</p> <p>12 Who's the SEC?</p> <p>13 A. It's the Syngenta executive committee.</p> <p>14 Q. And who's on the Syngenta executive</p> <p>15 committee?</p> <p>16 A. I don't know.</p> <p>17 Q. Okay. And what's the next one which decides</p> <p>18 on the release to first sales in stage D promotion?</p> <p>19 What's the CPLT and PPLT?</p> <p>20 A. CPLT is Crop Protection Leadership Team.</p> <p>21 PLT, I'm -- I'm not familiar with that</p> <p>22 abbreviation.</p> <p>23 Q. And is the purpose governance role still</p> <p>24 the same?</p> <p>25 A. I don't know.</p>

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<p>1 Q. So you don't have any current knowledge as 2 to who has that function below the Syngenta executive 3 committee? 4 A. In our current practice, my regional -- 5 the regional development committee releases a 6 product to first sales and does a stage C promotion 7 and a release to first sales. That is the -- that 8 is the way we are operating currently. 9 Q. And that's the -- you said the -- strike 10 that. 11 With which entity is the Syngenta executive 12 committee associated? 13 A. I do not know. 14 Q. If you look at that 2.2 roles governing 15 bodies in product lifecycle management. 16 A. Yeah, I see it. 17 Q. It has regional management team RMT. Do 18 you see that? 19 A. I do. 20 Q. Okay. And that's decides on stage C, 21 release to first sales and stage D promotion of 22 regional new formulation projects. 23 A. That's what it says. 24 Q. Okay. Is that the case today? 25 A. It is.</p>	<p>1 development committee has that responsibility -- 2 Q. Okay. 3 A. -- for other areas of the -- of the 4 organization. 5 Q. And where is the global development 6 committee situated? 7 A. The members of the global development 8 committee are based in some -- in -- some are in 9 Basel. 10 Q. Do you know who's on the global development 11 committee? 12 A. No, I don't know all of the individuals. 13 I only know -- remember a few -- few of the 14 individuals. 15 Q. Let's go to the next page. 16 A. Okay. 17 Q. And under purpose governance role, it lists 18 a number of items alongside the development 19 committee. Is that still accurate today? 20 A. Yes, as a regional development committee 21 we do provide technical regulatory approval, we 22 provide guidance and advice to project teams and -- 23 and we prioritize our resources. 24 Q. Do you know what DeCo means in this list? 25 Do you know how the -- do you know what the</p>
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<p>1 Q. That's when the regional management team 2 becomes involved? 3 A. That's when the NAFTA regional 4 development committee, yes, is involved. The RMT, 5 that's -- that acronym I am not familiar with. But 6 the regional development committee does decide on 7 stage C on the release to first sales and the 8 promotion of projects and makes the final decision 9 for the NAFTA region. And I am -- I am the leader 10 of that and it -- in the Syngenta Crop Protection, 11 Inc. 12 Q. And that's the regional development 13 committee for stage C and D promotion? 14 A. That is -- that is how our current 15 practice is. 16 Q. All right. And let's go to the second box. 17 Who would you substitute for body or team 18 in that box? It says CPLT, PPLT. 19 Do you see it? 20 A. I do. 21 Q. Okay. Is that accurate today? 22 A. No, I've -- I said I didn't think it was. 23 Q. But you don't know who has that 24 responsibility? 25 A. I believe that the -- the global</p>	<p>1 guideline provides? 2 Do you think that's referencing regional 3 development committee? 4 A. I'm sorry? 5 Q. Do you -- look at the box where it says 6 capital D-E, capital C-O. 7 Do you see that? 8 A. I do. 9 Q. What's that stand for? 10 A. That could be the global DeCo and it 11 could be the regional DeCo. 12 Q. Okay. Do you know for purposes of this 13 document what it references? 14 A. No, I don't. I'd have to look at the 15 reference page. 16 Q. Okay. Well, look at the box alongside it 17 where it says prioritizes global development 18 resources. Does that help you answer my question? 19 A. Not necessarily. I think it would be 20 easier to find a list of the acronyms. 21 Q. But when you're saying -- when you look -- 22 strike that. 23 When you look at a governance role, 24 including prioritizing global development resources, 25 that certainly falls under the jurisdiction of the</p>

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<p>1 global development committee, doesn't it, sir?</p> <p>2 A. I couldn't answer that. That would be</p> <p>3 speculation.</p> <p>4 Q. Does a regional development committee</p> <p>5 prioritize global development resources?</p> <p>6 A. I prioritize -- in my current role I</p> <p>7 prioritize development resources which are by</p> <p>8 global to implement our projects in the region.</p> <p>9 Q. Yes.</p> <p>10 Can you answer my question?</p> <p>11 Does regional development committee</p> <p>12 prioritize global development resources?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. For all of the Syngenta subsidiaries?</p> <p>15 A. I can't answer it for all of the Syngenta</p> <p>16 subsidiaries. I can answer for Syngenta Crop</p> <p>17 Protection, Inc.</p> <p>18 Q. What is the next body team RSC?</p> <p>19 A. That acronym is no longer used and so I</p> <p>20 can't comment on what it is. It's not in my</p> <p>21 current lexicon.</p> <p>22 Q. So you don't know what was referenced</p> <p>23 there?</p> <p>24 A. RSC, as I said, I don't remember. It's</p> <p>25 not something we use today.</p>	<p>1 MR. TILLERY: This might be a good time</p> <p>2 to break.</p> <p>3 MR. SURPRENANT: Okay.</p> <p>4 THE VIDEOGRAPHER: Stand by. Going off</p> <p>5 the record. The time is 12:27 and 49 seconds.</p> <p>6 (A LUNCH RECESS WAS TAKEN.)</p> <p>7 THE VIDEOGRAPHER: Going on the record,</p> <p>8 the time is 1:15 and 20 second.</p> <p>9 Please continue.</p> <p>10 Q. Mr. Drost, you co-authored a white paper</p> <p>11 entitled managing cross regional projects in Syngenta</p> <p>12 CP with Elvira Molitor, didn't you?</p> <p>13 A. I don't remember -- I don't recall that.</p> <p>14 I know Elvira. I don't recall the specifics of</p> <p>15 what you're referring to.</p> <p>16 Q. Well, it's -- yeah.</p> <p>17 (Plaintiff's Exhibit 15: Document</p> <p>18 entitled Detailed List of 2007 Accomplishments</p> <p>19 - Supporting Information Dirk C. Drost</p> <p>20 November 11, 2007, Bates SYN03143576 - 578</p> <p>21 marked for identification, as of this date.)</p> <p>22 Q. This is a document that was given to us by</p> <p>23 Syngenta in discovery concerning you.</p> <p>24 A. Okay.</p> <p>25 Q. Okay. And you see at the top it says</p>
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<p>1 Q. Well, who would have the responsibility,</p> <p>2 the governance role that provides technical</p> <p>3 regulatory support for PPT and DeCo decisions,</p> <p>4 provide stewardship review on technical and ethical</p> <p>5 grounds?</p> <p>6 A. The current organizational structure that</p> <p>7 we have, those would be some roles that would be</p> <p>8 provided by what we call product safety.</p> <p>9 Q. What product safety?</p> <p>10 What product safety team?</p> <p>11 A. The global product safety organization</p> <p>12 would provide some of those services. Or the</p> <p>13 regional product safety organization.</p> <p>14 Q. Who heads up the global product safety</p> <p>15 group?</p> <p>16 A. Peter Hertl.</p> <p>17 Q. Who employs him?</p> <p>18 A. I don't know.</p> <p>19 Q. Where is he located?</p> <p>20 A. I don't know where his -- where he's</p> <p>21 located today.</p> <p>22 Q. Okay.</p> <p>23 MR. TILLERY: It's about 12:30.</p> <p>24 MR. SURPRENANT: Whenever you want to</p> <p>25 break is fine.</p>	<p>1 November 11, 2007, about three years ago.</p> <p>2 A. Yes.</p> <p>3 Q. Okay. This is Syngenta 3143576.</p> <p>4 Do you see that?</p> <p>5 A. Yes, I see that document number.</p> <p>6 Q. All right. Does this information -- strike</p> <p>7 that.</p> <p>8 Did you author this document?</p> <p>9 A. I'm going to read it.</p> <p>10 Q. Okay.</p> <p>11 A. Okay. I've reviewed it.</p> <p>12 Q. Did you author this?</p> <p>13 A. It looks like a summary that was prepared</p> <p>14 by me for -- as a listing of my 2007</p> <p>15 accomplishments and preparation for our internal</p> <p>16 performance management review.</p> <p>17 Q. Okay. So the answer is yes, you authored</p> <p>18 it?</p> <p>19 A. Yes, I authored it. And the purpose of</p> <p>20 it was for an internal performance review update.</p> <p>21 Q. Okay. So look at the very last line of this</p> <p>22 paper on page three.</p> <p>23 Read that, would you.</p> <p>24 A. It says -- item number seven says I</p> <p>25 attended the global project portfolio management</p>

27 (Pages 102 to 105)

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<p>1 conference in Zurich --</p> <p>2 Q. The last line, last sentence of that</p> <p>3 paragraph seven.</p> <p>4 A. To get the context, I'd just like to read</p> <p>5 the whole thing.</p> <p>6 To influence the 2008 portfolio process,</p> <p>7 work with our regions, agree and establish --</p> <p>8 THE COURT REPORTER: I'm sorry, if you</p> <p>9 could please slow down.</p> <p>10 MR. SURPRENANT: Slow down.</p> <p>11 THE WITNESS: Oh, I'm sorry.</p> <p>12 A. I'm going to start again.</p> <p>13 To attend the global project and</p> <p>14 portfolio management conference in Zurich, to</p> <p>15 influence the 2008 portfolio process, to work with</p> <p>16 other regions, agree and establish ways of working</p> <p>17 in the 2020 development organization.</p> <p>18 Q. Yeah, and that was all really nice that you</p> <p>19 read that. But the next sentence is the one I'm</p> <p>20 focused on.</p> <p>21 A. Right.</p> <p>22 Q. How about reading this one out loud too.</p> <p>23 A. I'm getting to it.</p> <p>24 Q. Okay.</p> <p>25 A. I've co-authored with Elvira Molitor a</p>	<p>1 managers from Syngenta worldwide, including those</p> <p>2 in Basel.</p> <p>3 Q. What is her area of jurisdiction?</p> <p>4 A. She handles global insecticide projects.</p> <p>5 And on my team I have someone who handles</p> <p>6 insecticide projects that are specific to the NAFTA</p> <p>7 region.</p> <p>8 Q. Does someone in Basel handle global</p> <p>9 herbicide projects?</p> <p>10 A. Yes, there is a project manager that</p> <p>11 works with herbicide projects in Basel.</p> <p>12 Q. Who is that?</p> <p>13 A. One person's name that I can recall is</p> <p>14 Christopher Ball.</p> <p>15 Q. Do you work with him too?</p> <p>16 A. I correspond with him and talk with him</p> <p>17 from time to time, yes. We do have a working</p> <p>18 relationship.</p> <p>19 Q. Do you have a copy of this white paper that</p> <p>20 you authored -- co-authored with Elvira Molitor?</p> <p>21 A. No.</p> <p>22 Q. Did you throw it away?</p> <p>23 A. No. I don't recall having a copy of it.</p> <p>24 Obviously, I didn't -- and my documents were turned</p> <p>25 over, all relevant documents were turned over.</p>
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<p>1 white paper managing cross regional projects in</p> <p>2 Syngenta CP.</p> <p>3 Q. Okay. So now do you remember that you</p> <p>4 co-authored with Elvira Molitor a white paper</p> <p>5 entitled, Managing Cross Regional Projects In</p> <p>6 Syngenta CP?</p> <p>7 A. No. I mean, the document says I did</p> <p>8 that. But I didn't remember that.</p> <p>9 Q. And you don't remember it now?</p> <p>10 A. I remember working with Elvira Molitor on</p> <p>11 a draft document, but that's -- this refreshed my</p> <p>12 recollection.</p> <p>13 Q. Okay. And so you do remember doing it now?</p> <p>14 You do remember it now?</p> <p>15 A. I said yes.</p> <p>16 Q. Okay. Tell me who has that document?</p> <p>17 A. I don't know -- I don't know where the</p> <p>18 document is today. It was a working paper to --</p> <p>19 and that was discussed during this conference. And</p> <p>20 I do not recall the outcome of that discussion.</p> <p>21 Q. Where does Elvira Molitor work?</p> <p>22 A. Elvira Molitor is a project and portfolio</p> <p>23 manager, and she happens to be based in Basel.</p> <p>24 Q. Okay. And how do you know her?</p> <p>25 A. I know all of the project and portfolio</p>	<p>1 Q. What documents were turned over?</p> <p>2 A. The ones that the -- that I was asked to</p> <p>3 produce in discovery.</p> <p>4 Q. And who decided what was relevant?</p> <p>5 A. I don't know.</p> <p>6 Q. Did you decide what was relevant?</p> <p>7 A. No, I gave my office to the council and</p> <p>8 they took the relevant documents.</p> <p>9 Q. And what -- when you say relevant</p> <p>10 documents, what are you referring to?</p> <p>11 A. I don't know. I've just used the term</p> <p>12 relevant.</p> <p>13 Q. Okay. So they took all of your documents?</p> <p>14 A. I don't know which took documents they</p> <p>15 took and which ones they didn't.</p> <p>16 Q. And who is the counsel you turned them over</p> <p>17 to?</p> <p>18 A. The Syngenta -- the Syngenta counsel.</p> <p>19 Q. Did they have names?</p> <p>20 A. Alan Nadel was one of them.</p> <p>21 Q. Okay. Do you know who the other were?</p> <p>22 A. I know -- someone who works for Alan. Or</p> <p>23 others may have come and done document collection.</p> <p>24 I don't recall the names of the people.</p> <p>25 Q. When did you do that?</p>

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<p>1 A. I don't recall. 2 Q. Was it this year? 3 A. I don't recall. 4 Q. So you don't know when it was at all? 5 A. I don't remember. 6 Q. When you're saying these things, are you 7 saying I don't recall because you don't want to 8 testify truthfully in this deposition? 9 MR. SURPRENANT: Object to the form of 10 the question. 11 A. No. I am testifying truthfully in this 12 deposition. 13 Q. But whenever I ask you something you don't 14 want to tell me, are you saying the words I don't 15 know because you don't want to give me the answer? 16 MR. SURPRENANT: Object to the form. 17 A. I'm answering all your questions 18 truthfully and directly. 19 Q. Have you had any kind of an injury to your 20 head or causing you problems with your memory? 21 Simple question. You want me to repeat it? 22 A. No. It's not necessary to repeat it. 23 Q. All right. Have you had a problem causing 24 you any kind of memory loss? 25 A. No.</p>	<p>1 anybody besides Mrs. -- Ms. Molitor? 2 A. I don't recall. 3 Q. When did you do the white paper? 4 A. I don't recall the specific time I did 5 it. I obviously worked on it before I put this 6 document that you've referred to here as 7 Exhibit 15, before I wrote that I must have been -- 8 must have worked on the white paper, based on the 9 date. 10 Q. Did you ever give it as a hand out at a 11 conference or a meeting? 12 A. Not that I recall. 13 (Plaintiff's Exhibit 16: An e-mail string 14 with the top from Bill Swain dated 3/9/10, 15 Bates GRNVL0000075932 - 936 marked for 16 identification, as of this date.) 17 Q. I'll hand you what's been marked as 18 Exhibit 16, sir, ask you to take a look at it. 19 MR. TILLERY: For the record, this is 20 Greenville 75932 through Greenville 75936. 21 Q. Have you had a chance to look at that 22 document, sir? 23 A. Yes, I have. 24 Q. All right. Can you tell me what it is, 25 just generally?</p>
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<p>1 Q. Okay. Are you on any medication or any -- 2 any other type of -- taking any kind of substance 3 that would cause you to have a memory problem? 4 A. No. 5 Q. Okay. You think your memory is fine? 6 A. Yes. 7 Q. Okay. Do global projects exclude U.S. and 8 NAFTA projects? 9 A. U.S. and NAFTA projects are managed by 10 U.S. and NAFTA individuals. Global projects are 11 managed by global individuals. 12 Q. So when I say do global projects exclude 13 U.S. and NAFTA, is that a yes? 14 A. Yes. 15 Q. Okay. So your definition of global means 16 global minus U.S. and NAFTA? 17 A. My definition of global are projects that 18 are multi region, and those are global projects. 19 Global -- and NAFTA projects are projects that are 20 principally related to the business in NAFTA. This 21 is a -- the designation that I'm using. 22 Q. Does multi region include NAFTA? 23 A. In some cases it does and in other cases 24 it doesn't. 25 Q. Did you ever send your white paper to</p>	<p>1 A. It appears to be some correspondence 2 related to a request for radio labeled mesotrione 3 and atrazine. 4 Q. And what is mesotrione? 5 A. Mesotrione is a broad leaf herbicide also 6 known by the brand name Calisto. 7 Q. And just so we get the context of this 8 e-mail exchange correct, do you know who Bill Helke 9 is? 10 A. Yes. 11 Q. And who is he and where does he work? 12 A. Bill Helke is -- works in Greensboro and 13 he dispenses radio labeled compound requests. 14 Q. What's a radio labeled compound request? 15 A. That's the subject of the document. 16 Q. Yes, what is it? 17 A. One -- 14 C -- C 14 labeled test 18 material. 19 Q. That's what a radio label compound request 20 is? 21 A. Yes. 22 Q. Okay. And who is Gordon Vail? 23 A. Gordon Vail is the technical brand 24 manager for herbicides. 25 Q. Where is he located?</p>

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<p>1 A. He's based in -- out of -- in Greensboro. 2 Q. Now, do you see in the very first e-mail it 3 shows at the time that he wrote this he was in West 4 De Moines, Iowa -- West Des Moines, Iowa? 5 A. I answered your question based on what 6 his current location is. 7 Q. Okay. Where was he then? 8 Where was he then? 9 A. According to the e-mail designation, at 10 the time he wrote the first e-mail he was based in 11 -- out of Des Moines, Iowa. 12 Q. And for whom did he work? 13 A. Worked for Syngenta Crop Protection, Inc. 14 Q. Do you know that personally? 15 A. Yes, he was -- because I used to be based 16 in De Moines as well. 17 Q. In the same location? 18 A. Yes. So I know that personally. 19 Q. Okay. And can you tell me the exchange, if 20 you'd work your way towards the beginning of the 21 document, who in the exchange March 8th, 2010 -- 22 A. Okay. 23 Q. Do you see that exchange? 24 A. I'm looking for it. 25 Yes, I see it now.</p>	<p>1 A. That's correct. 2 Q. Okay. And do you know who Mr. Albrect was 3 speaking for at Basel when he said we are in the 4 process of signing that agreement? 5 A. No, I don't. 6 Q. Okay. Mr. Phillipe Costrop responded to 7 Jerry and Bill saying he did not have any issues with 8 the request. And he sent that e-mail to Bill Swain. 9 Who is that? 10 A. Bill works in environmental sciences in 11 Greensboro. 12 Q. Does he work in your department? 13 A. No, he doesn't work for me. 14 Q. Okay. 15 A. He works in development, crop protection 16 development, but he doesn't work in my group. 17 Q. So this was a mesotrione and atrazine 18 request for study. Do you know what kind of study it 19 was from looking at this document? 20 A. It appears to be uptick translocation, a 21 metabolism study, based on the document. 22 Q. Is it common for the Syngenta companies to 23 use the University of Illinois to conduct similar 24 type studies? 25 MR. SURPRENANT: Object to the form.</p>
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<p>1 Q. Now, this is just a few months ago, isn't 2 it? About seven months ago? 3 A. It says March 8, 2010. 4 Q. Okay. And who is Phillipe Costrop in Basel? 5 A. I don't know what Phil is. But I do 6 recognize the name. 7 Q. You don't know what he does? 8 A. I don't know what his job description is. 9 Q. And he says, we're in the process of 10 signing an agreement with the University of Illinois 11 regarding work with mesotrione, and that's Mr. 12 Albrect -- Albrect, Michel or Michel, sending that 13 e-mail to Mr. Phillipe Costrop, correct? 14 A. That's correct, that's what the document 15 says. 16 Q. And are you aware of that agreement? 17 A. No. 18 Q. Have -- do you become involved in any of 19 the agreements, testing such chemicals? 20 A. I'm not aware of this agreement. I'm not 21 familiar with it. I've not seen this document 22 before. 23 Q. So this is an agreement that was undertaken 24 that didn't include your office at Syngenta Crop 25 Protection, Inc., correct?</p>	<p>1 A. I can't answer that question. 2 Q. Have you ever seen any document, other than 3 this one, that describes a relationship of any kind 4 for testing of any kind of product with the 5 University of Illinois? 6 A. No. 7 Q. At any time in your career? 8 A. The answer is no. 9 (Plaintiff's Exhibit 17: A document 10 entitled Syngenta Brands vs. Integrity (BAS 11 78012), Bates GRNVL000076640 - 6662 marked for 12 identification, as of this date.) 13 Q. Okay. Now I'll show you what's been marked 14 as Exhibit 17. Can you tell me what that document 15 is? 16 A. The title of the document is Syngenta 17 Brands versus Integrity and in parentheses BASF 18 78012. 19 Q. And have you ever seen it before? 20 A. No. 21 Q. Can you by looking at it tell me what it 22 references? 23 A. I've not seen the document before. I 24 don't know what the purpose or the context of the 25 document is.</p>

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<p>1 Q. When studies are undertaken with Syngenta 2 Crop Protection, Inc. involving any kind of molecule 3 with a university or any testing being done in the 4 U.S., tell me how the approval process works at 5 Syngenta Crop Protection, Inc. for the payment of 6 that type of study in a very general sense? 7 A. The work -- the work is proposed, the 8 number of trials or locations are determined and 9 then the resources if -- if the work is necessary 10 and approved, the resources are allocated and then 11 they're paid out from Syngenta Crop Protection, 12 Inc. to the various test -- testing locations or 13 individuals. 14 Q. Where in Syngenta Crop Protection, Inc. 15 operational hierarchy does that approval process take 16 place for those types of tests? 17 A. In this example you've provided, which I 18 haven't seen before, I don't know how the approval 19 process worked. 20 Q. In the general sense day to day, tell me 21 how it works. 22 A. Syngenta Crop Protection, Inc. allocates 23 resource for field trials, and the -- then the 24 field trials are implemented by the technical brand 25 manager and paid by our biological R&D group.</p>	<p>1 in the preceding exhibit you weren't familiar with, 2 were you? 3 A. No. In that -- that specific instance -- 4 Q. You weren't familiar with it? 5 A. -- I have not seen that document before 6 and I'm not familiar with that -- 7 Q. Okay. 8 A. -- exchange. 9 Q. And the one in front of you now, which is 10 Exhibit 17, are you familiar with that? 11 A. No, again, this is a specific study for a 12 specific trial, and I am not involved with the 13 individual -- with the individual studies. 14 Q. Do you have any involvement -- strike that. 15 Do you have any knowledge of where field 16 testing has taken place in the United States for any 17 Syngenta product since you started working at 18 Syngenta? 19 A. It's a very broad question and difficult 20 to respond to. Could you just try to re -- reframe 21 it for me. 22 Q. Yes. What I'm asking is if you have had 23 any experience as part of your employment with 24 Syngenta since 2000 with any field testing locations 25 in the United States?</p>
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<p>1 Q. Is your office involved in that process? 2 A. Yes. 3 Q. Is it invariably involved in each one of 4 those tests? 5 A. Not in each individual instance. But in 6 the overall allocation of resource for field 7 trials -- 8 Q. Yes. 9 A. -- in a given year, yes. But in each 10 individual instance, no. 11 Q. Well, yeah, I think we may have a 12 miscommunication. That's because there are people 13 involved on the ground, so to speak, that are working 14 with the studies individually. But when it comes to 15 overall improvement of the entire testing protocol 16 for that year, it would come through your office? 17 A. For the entire testing program -- 18 Q. Yes. 19 A. -- for -- in this case herbicides? 20 Q. Yes. 21 Would it go through your office? 22 A. I would be fam -- I would be familiar 23 with it and with the resources that were allocated 24 towards it, yes. 25 Q. And the -- and the exchange that took place</p>	<p>1 A. Yes. 2 Q. Okay. And with which product or products? 3 A. So I went -- I go on a field tour, and I 4 went on a field tour in eastern North Carolina the 5 year before last, and I looked at some -- some 6 field trials on corn and on soy beans and on 7 cotton. 8 Q. Okay. Is that the only time you've done it? 9 A. No, I go on field trials -- I go onto 10 field tours once in a while. That was an example 11 that I remembered because it was an extremely hot 12 day, and so it's not one I was going to forget. 13 Q. And how often do you go on field trials? 14 A. On field tours? 15 Q. Tours. 16 A. Okay. Once in a while I go and look at 17 field trials at the locations that they're being 18 conducted. 19 Q. Okay. 20 A. One -- one or two times a year. 21 Q. And does that include Illinois? 22 A. I don't recall having seen field trials 23 in Illinois recently in the last two or three 24 years. 25 Q. Have you been to field trials in Illinois?</p>

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<p>1 A. Not in the last two or three years.</p> <p>2 Q. And I don't remember limiting my question</p> <p>3 to the last two or three years.</p> <p>4 A. At some point, yes, I've been in fields</p> <p>5 in Illinois.</p> <p>6 Q. Can you tell me why you just limited my</p> <p>7 question to two to three years?</p> <p>8 A. I didn't limit your question. I answered</p> <p>9 it.</p> <p>10 Q. No, I need you to tell me why you did that.</p> <p>11 MR. SURPRENANT: Object to the form.</p> <p>12 Q. You need to tell me. We need to</p> <p>13 communicate here in this deposition. I need to know</p> <p>14 why you did that.</p> <p>15 A. Because that's the way it came out.</p> <p>16 Q. Okay. So I ask you from the time of your</p> <p>17 employment at Syngenta, you remember?</p> <p>18 Now, how many times have you been to these</p> <p>19 field trials in Illinois?</p> <p>20 A. I don't remember.</p> <p>21 Q. Okay. Now you don't recall, right?</p> <p>22 A. I don't remember how many times. I</p> <p>23 remember being at a field trial in Illinois since</p> <p>24 2000. I do not remember how many times.</p> <p>25 Q. Okay. Does your department perform project</p>	<p>1 Syngenta before. It's Greenville 76657.</p> <p>2 Q. Do you see that?</p> <p>3 A. Yes, I'm looking at the page marked</p> <p>4 76657.</p> <p>5 Q. All right. Do you know what was being</p> <p>6 tested at Lexar at that time?</p> <p>7 A. No.</p> <p>8 Q. Do you know who was doing that -- who was</p> <p>9 conducting that testing at the University of Illinois</p> <p>10 in Urbana?</p> <p>11 A. This is the first time I've seen this</p> <p>12 document and the first time I've seen this page. I</p> <p>13 read it, it says location cooperatoor Urbana,</p> <p>14 Illinois/D Maxwell.</p> <p>15 Q. You don't know what they were testing?</p> <p>16 A. No, I don't.</p> <p>17 Q. Okay.</p> <p>18 (Plaintiff's Exhibit 18: An e-mail string</p> <p>19 with the top from James Allen dated 5/18/05,</p> <p>20 Bates SYN01869094 - 9095 marked for</p> <p>21 identification, as of this date.)</p> <p>22 Q. This is a document Bates numbered Syngenta</p> <p>23 869094, 095, and it's an e-mail exchange May 2005.</p> <p>24 Tell me when you're ready to address some</p> <p>25 questions.</p>
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<p>1 and portfolio management for all U.S. field trials?</p> <p>2 A. Yes, we resource the program for all U.S.</p> <p>3 field trials.</p> <p>4 Q. And do you have contracts with any person,</p> <p>5 company, university in Illinois to conduct field</p> <p>6 trials?</p> <p>7 A. I'm not familiar with the -- with the</p> <p>8 contracts, if any. My -- my team's responsibility</p> <p>9 and my personal role is to ensure that the projects</p> <p>10 are resourced properly, that the -- that the</p> <p>11 dollars are available to do the work. But I don't</p> <p>12 get involved in the implementation of the trials</p> <p>13 which would include location or other -- other</p> <p>14 matters related to that.</p> <p>15 Q. Who at Syngenta Crop Protection is in</p> <p>16 charge of that?</p> <p>17 A. The head of our biological research and</p> <p>18 development group is Mike Johnson.</p> <p>19 Q. And how long has he had that role?</p> <p>20 A. Nearly three years.</p> <p>21 Q. Now, if you'd look at this document marked</p> <p>22 17 and looked at Syngenta 76657.</p> <p>23 MR. TILLERY: For the record, this is a</p> <p>24 document marked Greenville 76640 through</p> <p>25 Greenville 76662. And I misspoke calling it</p>	<p>1 A. I'm ready.</p> <p>2 Q. Okay. The top of the first page says draft</p> <p>3 promo three, urgent review, review needed draft promo</p> <p>4 three. What's that mean; do you know?</p> <p>5 A. I'm not familiar with the promo three.</p> <p>6 Q. Does any of this information ring a bell</p> <p>7 with you?</p> <p>8 A. I've not seen the document before. I do</p> <p>9 recognize 449.</p> <p>10 Q. What is 449?</p> <p>11 A. It's a -- SYN 449 is a Syngenta</p> <p>12 experimental herbicide.</p> <p>13 Q. Is it on the market yet?</p> <p>14 A. No.</p> <p>15 Q. What stage is it in?</p> <p>16 A. I think it's in -- as I recall, it's not</p> <p>17 yet been promoted to development. It's -- it's an</p> <p>18 early stage compound.</p> <p>19 Q. What stage?</p> <p>20 A. I don't know what stage the</p> <p>21 classification is. It might be stage two right</p> <p>22 now.</p> <p>23 Q. It was a stage 1.4 at the time of this</p> <p>24 e-mail, wasn't it?</p> <p>25 A. Oh, the e-mail says that, yeah. And that</p>

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<p>1 was five years ago, four years ago.</p> <p>2 Q. So what does a stage 1.4 mean?</p> <p>3 A. To me it means it's a research compound.</p> <p>4 And no decisions have been made to -- on the future</p> <p>5 of the compound.</p> <p>6 Q. And who owns the compound rights at that</p> <p>7 time?</p> <p>8 A. I don't know who owns the compound rights</p> <p>9 at that time.</p> <p>10 Q. And where was this compound being</p> <p>11 developed?</p> <p>12 A. The compound wasn't being developed. The</p> <p>13 compound was being evaluated.</p> <p>14 Q. Right.</p> <p>15 Where was the molecule developed initially?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you know where molecules are developed</p> <p>18 in the Syngenta organization initially?</p> <p>19 A. In a chemical lab. Yes, in a chemistry</p> <p>20 lab.</p> <p>21 Q. Where?</p> <p>22 A. It could be at -- it could be at</p> <p>23 Jealott's Hill in a chemistry lab. That just</p> <p>24 happens to be where this discovery lab was at this</p> <p>25 time.</p>	<p>1 with the work that was involved here. So I can't</p> <p>2 answer your question. I don't know.</p> <p>3 Q. Do you know what project LOBO is?</p> <p>4 A. No.</p> <p>5 Q. Never heard of it?</p> <p>6 A. I've heard the term LOBO, but I don't</p> <p>7 know what it is.</p> <p>8 Q. I want to read you a statement and ask you</p> <p>9 whether you agree with it.</p> <p>10 The NAFTA development company -- strike</p> <p>11 that.</p> <p>12 The NAFTA development committee is fully</p> <p>13 aligned format process membership responsibilities</p> <p>14 with the global development committee and other</p> <p>15 regional development committees. Members represent</p> <p>16 the business units, global supply, technology and</p> <p>17 projects, product safety, regulatory affairs,</p> <p>18 biological R&D, Canada and Mexico. The role of the</p> <p>19 NAFTA development committee relates primarily to</p> <p>20 product lifecycle management projects. While the</p> <p>21 global development committee takes the lead with new</p> <p>22 active ingredients. This ensures there is no</p> <p>23 duplication of extra work.</p> <p>24 Do you agree with that statement?</p> <p>25 A. I'm familiar with that statement.</p>
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<p>1 Q. Okay. And do you know who owns that --</p> <p>2 A. No, I don't.</p> <p>3 Q. -- lab?</p> <p>4 A. No.</p> <p>5 Q. Do you know who the employees who work at</p> <p>6 that lab are employed by?</p> <p>7 A. No, I don't.</p> <p>8 Q. Do you know who owns the intellectual</p> <p>9 property rights of the compounds when they go to</p> <p>10 market?</p> <p>11 A. No, I don't.</p> <p>12 Q. Do you know if Syngenta Crop Protection,</p> <p>13 Inc. owns any intellectual property rights to any</p> <p>14 compound?</p> <p>15 A. I don't have any knowledge of that. It's</p> <p>16 not in my area of responsibility.</p> <p>17 Q. So the answer would be you don't know at</p> <p>18 all?</p> <p>19 A. I do not know.</p> <p>20 Q. Okay. In the body of that e-mail it refers</p> <p>21 to of the four soils, the Champaign low PH looks to</p> <p>22 be the same as we had last year, so it will tie in</p> <p>23 the data to that earlier study.</p> <p>24 What does the Champaign low PH mean?</p> <p>25 A. I'm not familiar with this document or</p>	<p>1 Q. Do you agree with it?</p> <p>2 A. I said I was familiar with it. I'm not</p> <p>3 sure where you're reading it from.</p> <p>4 Q. Well, I'm asking you if you agree with it.</p> <p>5 Is that an accurate statement?</p> <p>6 A. That's an accurate representation of the</p> <p>7 way I work and the way we work.</p> <p>8 Q. Okay. And I think you told me you've never</p> <p>9 heard of any meeting or group with an acronym</p> <p>10 L-O-B-O, correct?</p> <p>11 A. I'm familiar with the term, but I'm not</p> <p>12 familiar with the -- any of the details of it. I</p> <p>13 heard you say the term. I've heard it before. But</p> <p>14 I'm not familiar with it.</p> <p>15 Q. Do you know who Steve Powells is?</p> <p>16 A. Yes.</p> <p>17 Q. Who is he?</p> <p>18 A. He's a professor at -- in the western</p> <p>19 Australia, yes.</p> <p>20 Q. Is he under contract?</p> <p>21 MR. SURPRENANT: Object to the form.</p> <p>22 A. I don't know.</p> <p>23 (Plaintiff's Exhibit 19: An e-mail string</p> <p>24 with the top from Chuck Foresman dated 2/2/10,</p> <p>25 Bates GRNVL0000075743 - 746 marked for</p>

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<p>1 identification, as of this date.)</p> <p>2 Q. Would you take a look at Exhibit 19,</p> <p>3 please.</p> <p>4 While you're looking at that, I will note</p> <p>5 for the record, this is Greenville 75743 through</p> <p>6 75746.</p> <p>7 A. Okay. I've read the document.</p> <p>8 Q. Who is Brian Manley?</p> <p>9 A. Brian Manley works -- works at Syngenta</p> <p>10 biotechnology in Raleigh/Durham.</p> <p>11 Q. What's the name of the entity he works for?</p> <p>12 A. I don't know the name of the entity. I</p> <p>13 just know it as Syngenta biotechnology, Inc. SBI.</p> <p>14 We abbreviate it. I don't know what the entity is.</p> <p>15 Q. And can you determine the gist of the</p> <p>16 request being made here, the communications being</p> <p>17 made?</p> <p>18 A. Yeah, not -- not been involved in this</p> <p>19 discussion at all, I'm not aware of the details</p> <p>20 around it. Any -- so I'm not sure I can be of very</p> <p>21 much help to you on that.</p> <p>22 Q. Okay. Well, let's go to the second page</p> <p>23 where it says basic stand by statements.</p> <p>24 A. All right.</p> <p>25 Q. Do you see that?</p>	<p>1 A. But it's hard to tell. The copy I have</p> <p>2 is very faded.</p> <p>3 Q. Are you aware of any research being done</p> <p>4 there like that?</p> <p>5 A. I'm not familiar with the work that's</p> <p>6 referred to here and haven't been involved in this</p> <p>7 correspondence.</p> <p>8 Q. Are you aware of any work being done at the</p> <p>9 University of Illinois?</p> <p>10 Are you aware -- strike that.</p> <p>11 Are you aware of any work being done at the</p> <p>12 University of Illinois at the current time for</p> <p>13 Syngenta?</p> <p>14 A. Other than what you've -- you've shown me</p> <p>15 in these documents, I'm not aware of any details of</p> <p>16 work going on at University of Illinois.</p> <p>17 Q. The next bullet says, extensive performance</p> <p>18 testing has begun on seeds collected from a corn</p> <p>19 field in Illinois and is still in the very early</p> <p>20 stages. No further information is available at this</p> <p>21 time.</p> <p>22 Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. Do you know what this references?</p> <p>25 A. No, I don't.</p>
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<p>1 A. Yeah, I do.</p> <p>2 Q. Okay. I -- this is the best copy we have,</p> <p>3 and unfortunately my eyes aren't what they used to</p> <p>4 be. So if you could go to the second bullet and tell</p> <p>5 me or read to me, take your time, what you think that</p> <p>6 says?</p> <p>7 A. I'm sorry, but the copy isn't very good.</p> <p>8 Q. Okay. Well, go along with me.</p> <p>9 A. And my eyes are no better.</p> <p>10 Q. Can I -- can we try to do this together,</p> <p>11 maybe? Maybe Mr. Surprenant will help us, okay?</p> <p>12 Syngenta is currently cooperating with the</p> <p>13 University of Illinois on the investigation of a --</p> <p>14 do you know the next line?</p> <p>15 A. I'm having a hard time with the -- with</p> <p>16 the -- with the words.</p> <p>17 Q. Single reduced --</p> <p>18 A. Something.</p> <p>19 Q. -- performance report of multiple</p> <p>20 herbicides on a water hemp population in central</p> <p>21 Illinois.</p> <p>22 Do you see that?</p> <p>23 A. I see what you're referring to. It looks</p> <p>24 like -- it looks like you read it accurately.</p> <p>25 Q. Okay.</p>	<p>1 Q. Go to the next -- or the front page.</p> <p>2 A. Okay.</p> <p>3 Q. And this e-mail exchange is with Thomas</p> <p>4 Peryachon. Do you know who he is?</p> <p>5 A. No, I don't.</p> <p>6 Q. And he's at Basel. And he says, I've just</p> <p>7 spoken to Lionel and he's going to brief Syngenta</p> <p>8 executive committee members tomorrow on various</p> <p>9 issues -- I'm sorry, I misspoke. I have just spoken</p> <p>10 to Lionel and he is going to brief Syngenta executive</p> <p>11 committee members tomorrow on various issues in</p> <p>12 preparation of the annual results meeting.</p> <p>13 Do you know what he's referencing there?</p> <p>14 A. No, I don't. I've never seen this</p> <p>15 before.</p> <p>16 Q. Who is Lionel?</p> <p>17 A. I don't know who Lionel is.</p> <p>18 Q. Okay. This project did not involve you or</p> <p>19 your office?</p> <p>20 A. This project did not involve me. I'm not</p> <p>21 familiar with it.</p> <p>22 Q. Okay. So whatever they were doing at Basel</p> <p>23 didn't come through your office to where you would</p> <p>24 have been made aware of it personally?</p> <p>25 A. That's correct, I was not involved in</p>

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<p>1 what you've shown me here.</p> <p>2 Q. All right. Thank you.</p> <p>3 (Plaintiff's Exhibit 20: A document</p> <p>4 entitled Weed Control Biology - Organization,</p> <p>5 Bates GRNVL0000071027 - 1029 marked for</p> <p>6 identification, as of this date.)</p> <p>7 Q. I'll hand you what's been marked</p> <p>8 Exhibit 20. And I have just a couple of brief</p> <p>9 questions about this.</p> <p>10 If you can tell me who Mr. Mark Spinney is</p> <p>11 listed as group leader, who he is?</p> <p>12 A. I know Mark Spinney. He works in the</p> <p>13 herbicide biology group.</p> <p>14 Q. Where?</p> <p>15 A. He's based at Jealott's Hill.</p> <p>16 Q. Okay. So do you know who his employer is?</p> <p>17 A. No, I don't. I just know that he works</p> <p>18 in herbicide biology group in Jealott's Hill.</p> <p>19 Q. Okay. And -- and if you would look below</p> <p>20 that, there's an Ian Zelaya under projects.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Where does he work?</p> <p>24 A. Ian is based in Jealott's Hill.</p> <p>25 Q. Okay. What does the herbicide biology group</p>	<p>1 identification, as of this date.)</p> <p>2 Q. Would you look at Exhibit 21, please.</p> <p>3 Does this reference a corn technology tour?</p> <p>4 A. Yes, it does.</p> <p>5 Q. And this was last year, wasn't it?</p> <p>6 A. Looks like it was in 2009.</p> <p>7 Q. And this was a Syngenta tour to Missouri</p> <p>8 Illinois, Iowa and Indiana?</p> <p>9 A. That's correct.</p> <p>10 Q. The plan was to see on the tour stage one</p> <p>11 products which would include - HPPD lead finding and</p> <p>12 a few others.</p> <p>13 That's what's stated in the very first</p> <p>14 e-mail?</p> <p>15 A. That's what it says.</p> <p>16 Q. And to include Lumax, Camix formulation</p> <p>17 projects as well?</p> <p>18 A. That's what it says.</p> <p>19 Q. Well, you were provided this e-mail at one</p> <p>20 point, weren't you?</p> <p>21 A. Yeah, looks like the stuff forwarded to</p> <p>22 me --</p> <p>23 THE COURT REPORTER: I'm sorry?</p> <p>24 A. It looks like I received a copy of it,</p> <p>25 yes.</p>
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<p>1 do?</p> <p>2 A. They screen -- they screen new herbicides</p> <p>3 for biological performance and crop tolerance.</p> <p>4 Q. And these are herbicides that may be sold</p> <p>5 in the United States eventually?</p> <p>6 A. They're research compounds and evaluation</p> <p>7 compounds that could be sold anywhere after -- if</p> <p>8 they pass through the development process.</p> <p>9 Q. Okay. Our reporter says we are out of time</p> <p>10 so we'll have to take a break.</p> <p>11 MR. SURPRENANT: Okay.</p> <p>12 THE VIDEOGRAPHER: Stand by.</p> <p>13 This marks the -- this marks the end of</p> <p>14 videotape number two, volume one in the</p> <p>15 deposition of Dirk Drost. Going off the</p> <p>16 record. The time is 2:09 and 36 seconds.</p> <p>17 (A BRIEF RECESS WAS TAKEN.)</p> <p>18 THE VIDEOGRAPHER: This marks the</p> <p>19 beginning of videotape number three, volume</p> <p>20 one, in the deposition of Dirk Drost. The</p> <p>21 time is 2:22 and 23 seconds.</p> <p>22 Please continue.</p> <p>23 (Plaintiff's Exhibit 21: An e-mail string</p> <p>24 with the top from Howard Stott dated 5/28/09,</p> <p>25 Bates SYN02831657 - 659 marked for</p>	<p>1 Q. Okay. And it also references 449 mixture</p> <p>2 concepts. What is that?</p> <p>3 A. Based on what's written here, 449 mixture</p> <p>4 concepts could be tank mixes with 449 with other</p> <p>5 herbicides.</p> <p>6 Q. Okay. And then it mentions carryover trials</p> <p>7 mesotrione mixtures. What are those?</p> <p>8 A. Again, in the context of the message, I</p> <p>9 interpret that to be mixtures, tank mixtures of</p> <p>10 mesotrione with other -- with other herbicides.</p> <p>11 Q. Okay. And this Howard Stott is from USDM</p> <p>12 he says. Where is USDM?</p> <p>13 A. Stott Howard is a regional biology</p> <p>14 manager based in west Des Moines, Iowa.</p> <p>15 Q. What is the entity with whom he's</p> <p>16 affiliated?</p> <p>17 A. Syngenta Crop Protection, Inc.</p> <p>18 Q. Do you know that for sure?</p> <p>19 A. I believe that.</p> <p>20 Q. Okay. And the people to whom he sent the</p> <p>21 e-mail, Mr. Peyrachon, he's in Basel, right?</p> <p>22 A. Mr. whom? I'm sorry.</p> <p>23 Q. The first one, how do you pronounce his</p> <p>24 name.</p> <p>25 A. You're looking at page 2959? Excuse me,</p>

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<p>1 59?</p> <p>2 Q. Yeah, I'm looking, actually, at the first</p> <p>3 e-mail from Stott Howard.</p> <p>4 A. Oh, okay. Great.</p> <p>5 Q. And I'm looking at the bottom of page one.</p> <p>6 And he sent it to a number of different e-mail</p> <p>7 addressees. I'm going through that list. Who's the</p> <p>8 first one.</p> <p>9 A. It says Thomas Peyrachon.</p> <p>10 Q. And he's in Basel, right?</p> <p>11 A. CHBS.</p> <p>12 Q. Yes, that's Basel?</p> <p>13 A. To the best of my knowledge, yes.</p> <p>14 Q. Okay. And Patrick Crampton's in Basel?</p> <p>15 A. Was.</p> <p>16 Q. Where is he now?</p> <p>17 A. Canada.</p> <p>18 Q. Okay. What did he do in Basel?</p> <p>19 A. He was a herbicide business manager.</p> <p>20 Q. Okay. And Albrecht, Michel, what did he do</p> <p>21 in Basel?</p> <p>22 He's on the list as well, right?</p> <p>23 A. Yes, he is. He was a technical -- he was</p> <p>24 a technical manager.</p> <p>25 Q. Kurt Carmean, who's he?</p>	<p>1 A. We looked at him -- at his name before on</p> <p>2 the organizational chart for weed control biology.</p> <p>3 Q. Okay. What is a technical manager that you</p> <p>4 just mentioned at Basel, what do those people do?</p> <p>5 A. They're responsible for -- they work with</p> <p>6 marketing and with the regions to coordinate the</p> <p>7 testing programs in -- in different regions. A</p> <p>8 coordinator role.</p> <p>9 Q. Are they assigned to a particular active</p> <p>10 ingredient?</p> <p>11 A. Sometimes they have active ingredient</p> <p>12 responsibilities. But our technical managers in</p> <p>13 the United States also have active ingredient</p> <p>14 assigned to them. So each of them has an area of</p> <p>15 focus.</p> <p>16 Q. What is Dash, D-A-S-H?</p> <p>17 A. That's an herbicide. But it's a code</p> <p>18 name for a herbicide. And I don't -- can't</p> <p>19 remember the name of it or the number of it.</p> <p>20 Q. What is HPPD?</p> <p>21 A. That stands for -- that's a type of a</p> <p>22 herbicide, an HPPD inhibitor. HPPD is an acronym</p> <p>23 for the enzyme. I can't remember the chemical name</p> <p>24 for the enzyme. But it's an acronym for an enzyme.</p> <p>25 Q. What is lead finding? What does that mean?</p>
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<p>1 A. Kurt reports to me. He's the -- a</p> <p>2 herbicide development project manager based in</p> <p>3 Greensboro.</p> <p>4 Q. Okay. And Urs Hofer, what does he do in</p> <p>5 Basel?</p> <p>6 A. Urs is a herbicide technical managers.</p> <p>7 Q. And Jeremy Reynolds what does he do in</p> <p>8 Basel?</p> <p>9 A. I don't know what his responsibilities</p> <p>10 are.</p> <p>11 Q. And Brett Miller is in Basel. What does he</p> <p>12 do there?</p> <p>13 A. He was a -- he was a technical manager in</p> <p>14 Basel. But he's not in Basel anymore.</p> <p>15 Q. Where is he?</p> <p>16 A. He's here -- he's back in the United</p> <p>17 States now.</p> <p>18 Q. At that time he was assigned to Basel?</p> <p>19 A. Yeah, he was an international assignee.</p> <p>20 THE COURT REPORTER: He was an</p> <p>21 international?</p> <p>22 THE WITNESS: An international assignee.</p> <p>23 Q. And then there's Ian Zelaya at Jealott's</p> <p>24 Hill in Great Britain.</p> <p>25 What did he do there?</p>	<p>1 A. Lead finding is like discovery. Looking</p> <p>2 for a needle in a haystack. Finding a new</p> <p>3 herbicide.</p> <p>4 Q. Okay. Did you go on this tour?</p> <p>5 A. I think I did.</p> <p>6 Q. Okay. So --</p> <p>7 A. Now that I look at the agenda, yeah, I</p> <p>8 think did go on it.</p> <p>9 Q. So your prior testimony about not having</p> <p>10 been there in the last two or three years was in</p> <p>11 error, wasn't it?</p> <p>12 A. Well, based on this in my -- and this</p> <p>13 triggers my memory. I think I did go on this tour.</p> <p>14 Q. And you went to Illinois?</p> <p>15 A. Yeah, we did stop in Illinois on that</p> <p>16 tour.</p> <p>17 Q. Okay. Yeah.</p> <p>18 Where in Illinois?</p> <p>19 A. Trying to remember where we overnighted.</p> <p>20 Somewhere in western Illinois. Might have been</p> <p>21 Pekin, might have been we spent the night at Pekin,</p> <p>22 Illinois.</p> <p>23 Q. And what did you do in Illinois?</p> <p>24 A. I rode a bus from place to place.</p> <p>25 Q. Okay. When you weren't riding the bus, what</p>

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<p>1 were you doing?</p> <p>2 A. We got out and looked at some field</p> <p>3 trials.</p> <p>4 Q. Okay. And what did the field trials</p> <p>5 include?</p> <p>6 A. Well, there were herbicide trials and</p> <p>7 maybe some seed treatment trials. I don't remember</p> <p>8 the particulars of it.</p> <p>9 Q. Okay. You remember being there now, but you</p> <p>10 don't remember the details?</p> <p>11 A. Yes, this document refreshed my</p> <p>12 recollection about being there.</p> <p>13 Q. How many people were there?</p> <p>14 A. I don't know how many were there.</p> <p>15 Q. How many were on the bus?</p> <p>16 A. More than one and less than 52.</p> <p>17 Q. Okay. How many busses were there?</p> <p>18 A. There was only one.</p> <p>19 Q. Okay.</p> <p>20 A. I don't remember how many people were</p> <p>21 there.</p> <p>22 Q. Were there people from Basel on the bus?</p> <p>23 A. I don't remember who was on the bus.</p> <p>24 Q. Okay. Is there anything else you remember</p> <p>25 about that experience?</p>	<p>1 Protection, Inc., were they?</p> <p>2 A. Well, that's not -- that's not accurate.</p> <p>3 This is the summary of the stage one compounds that</p> <p>4 we observed on that field tour. But there were</p> <p>5 other herbicides, including standards, I referred</p> <p>6 to standards earlier as commercial -- currently</p> <p>7 commercial compounds that are included for</p> <p>8 comparison. So there were other herbicides that</p> <p>9 were observed in addition to the ones that were --</p> <p>10 that are reported here.</p> <p>11 Q. What was it that refreshed your</p> <p>12 recollection about that fact?</p> <p>13 Did you look at this document and refresh</p> <p>14 your recollection about that?</p> <p>15 A. Whenever we do this kind of testing, we</p> <p>16 always include standards. Standards are a typical</p> <p>17 part of a herbicide protocol. That's what we</p> <p>18 refreshed my recollection.</p> <p>19 Q. Okay. Well, let's -- let me ask you this</p> <p>20 question then, none of the stage one compounds</p> <p>21 discussed in this document were being sold by</p> <p>22 Syngenta Crop Protection, Inc. when you went on this</p> <p>23 bus tour, were they?</p> <p>24 A. I just -- I need to look at them before I</p> <p>25 answer the question.</p>
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<p>1 A. That was a long ride from Kansas City to</p> <p>2 where we ended up on the bus.</p> <p>3 Q. Okay. Maybe this next document will help</p> <p>4 you.</p> <p>5 A. Okay.</p> <p>6 (Plaintiff's Exhibit 22: A Syngenta</p> <p>7 Summary Notes dated 6/26/09, Bates SYN03628856</p> <p>8 - 8861 marked for identification, as of this</p> <p>9 date.)</p> <p>10 Q. Why don't you take a look at Exhibit 22.</p> <p>11 This is a Syngenta document Bates numbered</p> <p>12 3628856 through 3628861.</p> <p>13 A. Okay.</p> <p>14 Q. And what is the document, sir?</p> <p>15 A. The document is a summary notes of the</p> <p>16 U.S. herbicide field visit and held from -- in June</p> <p>17 of 2009.</p> <p>18 Q. This was a field visit that you attended,</p> <p>19 wasn't it?</p> <p>20 A. Yes, this is the field visit I referred</p> <p>21 to previously which now I recall having attended.</p> <p>22 Q. Okay. And these were products -- strike</p> <p>23 that.</p> <p>24 None of the compounds that were being</p> <p>25 observed were being sold at the time by Syngenta Crop</p>	<p>1 Stage one compounds are a definition of</p> <p>2 research in early evaluation compounds that are not</p> <p>3 yet registered or available for sale. So in this</p> <p>4 case they are not -- they were not registered or</p> <p>5 available for sale.</p> <p>6 Q. And who owned the rights for them at that</p> <p>7 time?</p> <p>8 A. I don't know.</p> <p>9 Q. Now let's look at the document, sir.</p> <p>10 A. Okay.</p> <p>11 Q. Present, go through and tell me all the</p> <p>12 people from Basel who were present and with which</p> <p>13 entity in Basel they were associated?</p> <p>14 A. I can read -- I can read the names of the</p> <p>15 persons who have CHBS. But I do not know anything</p> <p>16 about their entities. So I will read Michel</p> <p>17 Albrecht, CHBS; Jeremy Reynolds, CHBS; Brett</p> <p>18 Miller, CHBS.</p> <p>19 MR. SURPRENANT: Can I interrupt?</p> <p>20 Are you asking about the ones who</p> <p>21 actually participated as opposed to invited?</p> <p>22 MR. TILLERY: Yes, who were present.</p> <p>23 MR. SURPRENANT: Because I think he's</p> <p>24 reading --</p> <p>25 A. Oh, I was reading the invited list.</p>

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<p>1 Yeah. Well, I mean, my assumption from the</p> <p>2 document was that they were present just based on</p> <p>3 the way I was reading the document.</p> <p>4 Q. Yeah.</p> <p>5 Now, doesn't it show present the list of</p> <p>6 categories --</p> <p>7 A. It says present, right.</p> <p>8 Q. And you were reading that?</p> <p>9 A. I was in the process of doing that.</p> <p>10 Q. And I think you were doing it correctly.</p> <p>11 So I think you were right except you left</p> <p>12 Urs Hofer out.</p> <p>13 A. Well, I didn't -- hadn't gotten that far</p> <p>14 yet. Urs Hofer, CHBS. Now, as I look down -- then</p> <p>15 there were some partial participants. Did you want</p> <p>16 me to read those too?</p> <p>17 Q. Well, you had Jeremy Reynolds --</p> <p>18 A. Yeah, I mentioned him.</p> <p>19 Q. And then Brett Miller.</p> <p>20 A. Brett Miller, I mentioned him.</p> <p>21 Q. Okay.</p> <p>22 A. And that covers the present.</p> <p>23 Q. And who is Matthew Sherriff associated with</p> <p>24 AUSY?</p> <p>25 A. That's a good question. I don't recall</p>	<p>1 A. I know Ian works out of Jealott's Hill.</p> <p>2 That's all I know.</p> <p>3 Q. And what was Mr. Zelaya's role in this corn</p> <p>4 tour?</p> <p>5 A. He was obviously given the role of</p> <p>6 summarizing the notes.</p> <p>7 Q. Is that what his role was, the notes?</p> <p>8 Do you know what his role was?</p> <p>9 A. He -- this stage one tour would include</p> <p>10 people from weed control biology at Jealott's Hill.</p> <p>11 Because they have the responsibility overall for</p> <p>12 screening and characterizing compounds that are</p> <p>13 early stage. And so he was there as a result of</p> <p>14 that. And I think he was deputized to take the</p> <p>15 notes.</p> <p>16 Q. You didn't deputize him to do it, did you?</p> <p>17 A. No, absolutely not. Someone else did</p> <p>18 that.</p> <p>19 Q. Who did it?</p> <p>20 A. I don't know.</p> <p>21 Q. Okay. Who was leading this corn tour?</p> <p>22 A. Stott Howard organized the tour. And I</p> <p>23 would -- I would have characterized him as the</p> <p>24 leader. He made sure we got on the bus, and if he</p> <p>25 if we didn't get on the bus he left us behind.</p>
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<p>1 -- I don't recall Matthew Sherriff.</p> <p>2 Q. Do you know what AUSY stands for?</p> <p>3 A. No, not without guessing.</p> <p>4 Q. Okay. It's Sidney Australia?</p> <p>5 A. I don't know what his location is.</p> <p>6 Q. Do you know whether Syngenta has an entity</p> <p>7 that is located in -- in Sidney, Australia?</p> <p>8 A. I do not know.</p> <p>9 Q. Okay. And when the abbreviation there of --</p> <p>10 you mentioned Andre -- you did not mention Andre</p> <p>11 Bachiega at BRSP.</p> <p>12 Do you know who that is?</p> <p>13 A. You know, I might have met Andre on the</p> <p>14 tour. But I don't recall that BRSP. We had</p> <p>15 representatives on this tour from many countries,</p> <p>16 including Brazil. And it could be Brazil.</p> <p>17 Q. Brazil, Sao Paulo, couldn't it?</p> <p>18 A. It's possible.</p> <p>19 Q. Okay.</p> <p>20 Okay. The next page of the document.</p> <p>21 Sorry, skip back to the first page again. The very</p> <p>22 top of the document lists a person by the name of Ian</p> <p>23 Zelaya, PhD, team leader weed control biology,</p> <p>24 Syngenta Limited.</p> <p>25 Do you know where that is?</p>	<p>1 Q. If you go to the next page.</p> <p>2 I just want to walk through this protocol</p> <p>3 and title objectives and distribution so I understand</p> <p>4 what the document's saying.</p> <p>5 What is the protocol reference?</p> <p>6 A. The protocol is an internal trial number</p> <p>7 that's established for tracking purposes.</p> <p>8 Q. It's just an ID number?</p> <p>9 A. It's an ID number.</p> <p>10 Q. Okay. And when it says stage 1.2, what does</p> <p>11 that mean?</p> <p>12 A. That's in this -- our stage plan. We</p> <p>13 have stage one, you have stage 1.2 and you</p> <p>14 mentioned earlier a stage 1.4. It's just a</p> <p>15 progression in the stage plan.</p> <p>16 Q. And it calls that late lead finding?</p> <p>17 A. That's correct, 1.2 equals late lead</p> <p>18 finding.</p> <p>19 Q. Okay. And then title is evaluation of dicot</p> <p>20 and grass weed control and crop tolerance of new</p> <p>21 chemistry compounds in corn - pre - and post - EM in</p> <p>22 U.S.</p> <p>23 What is that?</p> <p>24 A. Statement of the type of work being done.</p> <p>25 Q. All right. And then the objectives,</p>

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<p>1 generally could you tell me what that is?</p> <p>2 A. The objectives detail what we're trying</p> <p>3 to accomplish in the studies that are being done.</p> <p>4 Q. And the distribution, what does that mean?</p> <p>5 A. This is who the trials -- who from our</p> <p>6 field development group the trials are assigned to</p> <p>7 for implementation.</p> <p>8 Q. Okay. So Schirmacher is who?</p> <p>9 A. Ms. Schirmacher is based in western</p> <p>10 Illinois, and she does field trials for us.</p> <p>11 Q. By whom is she employed?</p> <p>12 A. She's a post doc, so she works for</p> <p>13 Syngenta Crop Protection, Inc.</p> <p>14 Q. And out of which office?</p> <p>15 A. She'll work out of -- she's assigned and</p> <p>16 reports through the Des Moines office.</p> <p>17 Q. And what is her first name?</p> <p>18 A. I'm trying to remember. I think it's</p> <p>19 Kirstin. But I can't be -- I can't -- I'm not</p> <p>20 sure.</p> <p>21 Q. And Cully, where is Cully?</p> <p>22 A. Cully is based in southern Illinois.</p> <p>23 Q. And who is Cully?</p> <p>24 A. He's a field development representative.</p> <p>25 Q. The same type of job?</p>	<p>1 A. I don't recall approving work for -- in</p> <p>2 Canada.</p> <p>3 Q. Okay.</p> <p>4 A. For atrazine.</p> <p>5 (Plaintiff's Exhibit 23: An e-mail string</p> <p>6 with the top from Dirk Drost dated 11/26/07,</p> <p>7 Bates SYN02820990 - 991 marked for</p> <p>8 identification, as of this date.)</p> <p>9 Q. I'll show you what's been marked as</p> <p>10 Exhibit 23, sir, ask you to look at that. This is,</p> <p>11 by the way, Syngenta 2820990 and 0991.</p> <p>12 A. Okay.</p> <p>13 Q. Do you recognize this?</p> <p>14 A. I see my name on it as the author.</p> <p>15 Q. Yeah, it's from Connie Doggit (ph) to you?</p> <p>16 A. Right.</p> <p>17 Q. It's an e-mail exchange November 26,</p> <p>18 2007 --</p> <p>19 A. That's correct.</p> <p>20 Q. Asking you to approve three Canadian</p> <p>21 residue limit invoices?</p> <p>22 A. Okay.</p> <p>23 Q. Is that right?</p> <p>24 A. Yeah, that's what it looks like.</p> <p>25 Q. And then look above, these are a</p>
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<p>1 A. Yeah.</p> <p>2 Q. And what is his first name?</p> <p>3 A. Scott.</p> <p>4 Q. And where does he live in southern</p> <p>5 Illinois?</p> <p>6 A. I don't know what town he lives in. He</p> <p>7 works from his home and I'm not sure where that is.</p> <p>8 Q. How many field trials like this are ongoing</p> <p>9 in Illinois in an average year?</p> <p>10 A. I don't know.</p> <p>11 Q. And then summary is what?</p> <p>12 A. At the end of the tour we had a two-hour</p> <p>13 -- a roughly two-hour discussion. These were some</p> <p>14 of the points that were made during that</p> <p>15 discussion. People's observations or impressions</p> <p>16 of the work that was done.</p> <p>17 Q. And to whom is this report or these field</p> <p>18 notes distributed?</p> <p>19 A. I assume it's the list that's on the</p> <p>20 front. I don't know. I didn't send them out. But</p> <p>21 that would be standard practice.</p> <p>22 Q. Do you approve the payment of invoices for</p> <p>23 atrazine work in Canada?</p> <p>24 A. No.</p> <p>25 Q. Have you ever done that?</p>	<p>1 description, site selection, evaluation, support and</p> <p>2 study for atrazine surface and ground water</p> <p>3 monitoring in Canada.</p> <p>4 A. That's correct, that's what it says.</p> <p>5 Q. Okay. 82,000, 14,000 and \$16,500 studies,</p> <p>6 right?</p> <p>7 A. No, that's not correct. The atrazine</p> <p>8 study was 82,000, but the other two studies are not</p> <p>9 atrazine. One is malaoxon, the other is abamectin</p> <p>10 benzoate.</p> <p>11 Q. Did you approve those as well?</p> <p>12 A. I approved all of these, I guess, because</p> <p>13 that's what the document says. I didn't -- I don't</p> <p>14 remember having done it. But that's what the</p> <p>15 document says.</p> <p>16 Q. So it's -- you think you could be approving</p> <p>17 a lot of these maybe that you don't remember, huh?</p> <p>18 A. No. There's just a lot of -- there's a</p> <p>19 lot of details, and I'm unable to recall all of the</p> <p>20 details all of the time.</p> <p>21 Q. Okay. Would you think that to be a --</p> <p>22 let's see, \$114,000 -- \$112,000 approval, that's a</p> <p>23 significant amount of money for studies, isn't it?</p> <p>24 A. Hundred -- a hundred thousand dollars is</p> <p>25 a hundred thousand dollars. The -- this was three</p>

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<p>1 years ago, and I don't remember every specific 2 invoice that I may have approved. I'm unable to 3 remember them all. 4 (Plaintiff's Exhibit 24: An e-mail 5 document to Dirk Drost, Bates SYN01048112 - 6 113 marked for identification, as of this 7 date.) 8 Q. Let's take a look at Exhibit 24. 9 This is Syngenta 48112 and 48113. E-mail 10 exchange with Paul Hendley and you, sir. 11 A. I'm going to read it a moment. 12 Q. Okay. 13 A. Okay. 14 Q. Do you remember the topic of this 15 discussion? 16 A. No, I don't. 17 Q. Can you tell from reading it what it 18 involves? 19 A. Paul Hendley and Juan Gonzalez were 20 asking me to do something on -- in this document. 21 I just scanned it. I don't -- I don't remember the 22 details of it. 23 Q. Well, let's walk through it then. 24 A. Okay. 25 Q. Maybe it will help you.</p>	<p>1 with some problem? 2 A. I -- I had surgery, yes. 3 Q. When was that? 4 A. I don't remember. 5 Q. Okay. 6 A. It was at least five years ago. 7 Q. Okay. 8 A. Could have been longer. 9 Q. The first big paragraph there says we 10 worked through some budget issues with Peter 11 yesterday. Peter is Peter Hertl, I presume, he's the 12 addressee on the e-mail? 13 A. That's what I presume too. 14 Q. Okay. Yesterday, and have a few areas where 15 we need your help with John Parker. 16 A. Okay. 17 Q. Okay. It also seems to us that in addition 18 to the two study areas we are specifically mentioning 19 here, there are a number of other memorandum of 20 agreement program projects that are being included in 21 SYPOS that need to be sanctified the formal U.K., 22 quote, HAES, in quote, approval process. 23 What does that mean? 24 A. I didn't write the e-mail, I don't know 25 what the person meant.</p>
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<p>1 The CCs on this are Peter Hertl, right? 2 A. Yes. 3 Q. And Juan Gonzalez-Valero? 4 A. That's correct. 5 Q. Where was he from? 6 A. I don't know where Juan was based at the 7 time. He was head of global ecological risk. But 8 I don't know where he was based. 9 Q. And the subject is need for formal U.K. 10 approval for the start of various memorandum of 11 agreement team programs. 12 A. That's the title, yeah. 13 Q. And what is a memorandum of agreement? 14 A. The memorandum of agreement was the 15 agreement between the Syngenta Crop Protection and 16 the U.S. EPA relative to studies that should be 17 done for atrazine, detailed -- detailed the work 18 that needed to be done, what the time lines were, 19 et cetera. 20 Q. And about when did this take place? 21 A. I don't know. This document doesn't have 22 a date on it. I don't recall the date associated 23 with it. 24 Q. It said we hope that you're recovering well 25 and we will see you soon. Had you just been off work</p>	<p>1 Q. Well, but you took some action on it, 2 didn't you? It was addressed to you. 3 A. I know what the MOA program is, we've 4 discussed that, the memorandum of agreement. SYPOS 5 is the -- was the portfolio management tool at the 6 time. The phrase sanctified with the formal U.K. 7 HAES approval process, I do not know what the 8 author meant by that. 9 Q. Well, did you give them help to deal with 10 John Parker's approval? 11 A. I don't recall the specific details. The 12 work that needed to be done under the memorandum of 13 agreement was -- was approved and implemented and 14 has been or is being completed. 15 Q. So you must have -- you must helped them. 16 A. Yes, I probably helped them with this 17 because this was an important piece of work that 18 needed to be done. 19 Q. Did then the U.K. ultimately approve this 20 project? 21 A. John Parker is a business manager, and 22 his job was to make sure that the product safety or 23 in that time HAES did not include -- exceed a 24 certain budget number. John had no technical or 25 operational responsibilities for -- technical or</p>

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<p>1 operational responsibilities. John was a business</p> <p>2 manager, a finance manager. He was just watching</p> <p>3 the numbers.</p> <p>4 Q. I move to strike your answer as</p> <p>5 unresponsive.</p> <p>6 Here was my question, I'm going to read it</p> <p>7 back to you, did the U.K. ultimately approve the</p> <p>8 project?</p> <p>9 A. I don't know.</p> <p>10 Q. Okay. Did you have technical experience to</p> <p>11 deal with this topic yourself?</p> <p>12 A. My responsibility with this project was</p> <p>13 not technical. My responsibility was to make sure</p> <p>14 it got approved, it got -- the resources were</p> <p>15 available for the work to be done and that the work</p> <p>16 was actually implemented and delivered. Technical</p> <p>17 responsibility for the studies were with Paul</p> <p>18 Hendley at that time.</p> <p>19 Q. Okay. I move to strike your answer as</p> <p>20 unresponsive. Let me make sure you understand my</p> <p>21 question. I'm going to read it back to you.</p> <p>22 Did you have technical experience to deal</p> <p>23 with this topic yourself?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. What was your technical experience</p>	<p>1 skills as a weed scientist had to do with the</p> <p>2 ecological and community water system monitoring</p> <p>3 study?</p> <p>4 A. In order to conduct a study like this you</p> <p>5 need to have firsthand knowledge of how products</p> <p>6 are used, where they're used, when they're used and</p> <p>7 why they're used. And those are all things that</p> <p>8 weed scientists learn by practical training and by</p> <p>9 practical experience. And I've demonstrated that I</p> <p>10 have that.</p> <p>11 Q. So what technical skills as a weed</p> <p>12 scientist did you use in this community water system</p> <p>13 project?</p> <p>14 A. I just stated those. An understanding of</p> <p>15 how the products are used, when they're used and</p> <p>16 why there's used.</p> <p>17 Q. What products?</p> <p>18 A. And I used -- and I used that knowledge</p> <p>19 to make sure that we were delivering what needed to</p> <p>20 be delivered.</p> <p>21 Q. What products are you talking about, sir?</p> <p>22 A. Herbicides. That's what weed scientists</p> <p>23 are familiar with.</p> <p>24 Q. Okay. Well, what product were they talking</p> <p>25 about here?</p>
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<p>1 dealing with this particular project that you used in</p> <p>2 this approval process?</p> <p>3 A. A knowledge of field trials and how to</p> <p>4 conduct them and the ability to judge whether work</p> <p>5 was going to be satisfactory and sufficient to</p> <p>6 deliver the intended outcome.</p> <p>7 Q. Okay. What was the field trial that was</p> <p>8 being contemplated here?</p> <p>9 A. They were talking about selecting sites</p> <p>10 for rural wells and selecting sites for ecological</p> <p>11 monitoring.</p> <p>12 Q. Did you evaluate these yourself or did you</p> <p>13 just simply approve a number? What did you do from a</p> <p>14 technical standpoint to approve this project?</p> <p>15 A. My job was to make sure that the program</p> <p>16 was consistent with the principles outlined in the</p> <p>17 memorandum of agreement. And I used my technical</p> <p>18 skills as a weed scientist to contribute to that.</p> <p>19 Q. Okay. Now tell me, what did the memorandum</p> <p>20 of agreement say about this project right here?</p> <p>21 A. Memorandum of agreement asked us to do</p> <p>22 community water system monitoring and ecological</p> <p>23 monitoring, and thereby we had to select sites,</p> <p>24 identify and select sites.</p> <p>25 Q. Could you tell me what your technical</p>	<p>1 A. Well, this is an atrazine monitoring</p> <p>2 program.</p> <p>3 Q. Okay. Now, tell me what your technical</p> <p>4 skill set is about atrazine. Tell me how you learned</p> <p>5 that as a weed scientist?</p> <p>6 A. Learned it by -- as I mentioned earlier,</p> <p>7 I included atrazine as a standard in field trials</p> <p>8 that I conducted, I looked at field trials that</p> <p>9 have been done. So I'm familiar with the</p> <p>10 performance of the product, when and how it should</p> <p>11 be used and -- an the excellent results that we get</p> <p>12 from it.</p> <p>13 Q. Did you have knowledge of the use patterns</p> <p>14 of atrazine in -- before the 2000?</p> <p>15 A. Sure. I'd started out my first job in</p> <p>16 Stauffer Chemical Company. I mean, I tested and</p> <p>17 evaluated atrazine as a standard many times in many</p> <p>18 fields in many different years.</p> <p>19 Q. Were you familiar with the runoff</p> <p>20 characteristics of atrazine?</p> <p>21 When did you become familiar with that?</p> <p>22 A. I don't recall when I became familiar</p> <p>23 with runoff characteristics of atrazine. But the</p> <p>24 goal in all of this work is to ensure the product</p> <p>25 is applied safely and effectively and delivers the</p>

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<p>1 desired effect.</p> <p>2 Q. Well, do you have any knowledge of runoff</p> <p>3 characteristics of at --</p> <p>4 A. Yes.</p> <p>5 Q. Well, tell me about it.</p> <p>6 What do you understand to be the runoff</p> <p>7 characteristics of atrazine?</p> <p>8 A. I understand that on heavy rain or in</p> <p>9 erosive soils that products like atrazine can move</p> <p>10 from one spot to another.</p> <p>11 Q. And --</p> <p>12 A. By surface -- by surface soil movement</p> <p>13 and by soil erosion. And so as an agriculturist we</p> <p>14 try to minimize erosion, we use reduced tillage, we</p> <p>15 manage applications to prevent -- limit or prevent</p> <p>16 runoff.</p> <p>17 Q. How long have you known that?</p> <p>18 A. I don't recall.</p> <p>19 Q. Has that been, as you said, since the</p> <p>20 beginning when you were using this as a standard?</p> <p>21 A. Pardon?</p> <p>22 Q. Has this been since the beginning of your</p> <p>23 professional experience?</p> <p>24 A. I don't recall when I came -- when I came</p> <p>25 to that -- would be pure conjecture.</p>	<p>1 Going off the record. The time is 3:04</p> <p>2 and ten seconds.</p> <p>3 (A BRIEF RECESS WAS TAKEN.)</p> <p>4 THE VIDEOGRAPHER: Going on the record.</p> <p>5 The time is 3:15 and 39 seconds.</p> <p>6 Please continue.</p> <p>7 (Plaintiff's Exhibit 25: An e-mail string</p> <p>8 with the top from Sarah Rees dated 7/3/06,</p> <p>9 Bates GRNVL0000046110 - 112 marked for</p> <p>10 identification, as of this date.)</p> <p>11 Q. I'll show you what's been marked as</p> <p>12 Exhibit 25, sir. This is Greenville 46110 through</p> <p>13 46112.</p> <p>14 THE WITNESS: Is this right there?</p> <p>15 MR. SURPRENANT: You think the number is</p> <p>16 -- Bates number is different? This one is 8.</p> <p>17 MR. TILLERY: I marked the one wrong?</p> <p>18 MR. SURPRENANT: We can just identify it</p> <p>19 as this one, Steve.</p> <p>20 MR. TILLERY: Okay. I may have the wrong</p> <p>21 one marked?</p> <p>22 MR. SURPRENANT: Yeah.</p> <p>23 Yeah, here you want 34? Here's your copy</p> <p>24 back.</p> <p>25 MR. TILLERY: All right. We're going to</p>
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<p>1 Q. Okay. When was the last time you did any</p> <p>2 atrazine field testing yourself?</p> <p>3 A. Before I moved to -- to Greensboro.</p> <p>4 Q. And when was that?</p> <p>5 A. That would have been in -- as I explained</p> <p>6 earlier, I moved in the middle of 2001, and I</p> <p>7 started my current responsibilities the previous</p> <p>8 November, November of 2000.</p> <p>9 Q. Yeah, I remember when you told me you moved</p> <p>10 here. I'm saying you said it was before then. I'm</p> <p>11 trying to determine when before you moved did you</p> <p>12 last do any atrazine field testing?</p> <p>13 A. I can't remember.</p> <p>14 Q. Have you ever been personally involved in</p> <p>15 any testing of atrazine for the purpose of evaluating</p> <p>16 fate and transport characteristics of the chemical?</p> <p>17 A. No, I've had no direct involvement in</p> <p>18 fate and transport.</p> <p>19 Q. Do you know what the fate and transport</p> <p>20 characteristics of the chemical are?</p> <p>21 A. I understand fate and transport. But I'm</p> <p>22 not a specialist in atrazine.</p> <p>23 MR. TILLERY: We're going to go off the</p> <p>24 record now for a short break.</p> <p>25 THE VIDEOGRAPHER: Stand by.</p>	<p>1 make a correction on the record. Exhibit 25</p> <p>2 now is Greenville 461.</p> <p>3 What do you have?</p> <p>4 MR. SURPRENANT: 46110 through 46112.</p> <p>5 MR. TILLERY: That's right.</p> <p>6 MR. SURPRENANT: That's fine.</p> <p>7 MR. TILLERY: That is the correct one.</p> <p>8 MR. SURPRENANT: And that's Exhibit 25?</p> <p>9 MR. TILLERY: That's Exhibit 25.</p> <p>10 Q. Please take a look at this e-mail exchange,</p> <p>11 sir.</p> <p>12 Can you tell me the subject matter of this</p> <p>13 e-mail exchange?</p> <p>14 A. The document says it's HAES task review</p> <p>15 conducted in 2006.</p> <p>16 Q. And what does it involve generally?</p> <p>17 A. It involves work -- work site balancing.</p> <p>18 That is bringing supply and demand into balance.</p> <p>19 Q. Explain that, if you wouldn't mind.</p> <p>20 A. Supply would be things like, you know,</p> <p>21 available man days or external cash to conduct</p> <p>22 studies and to bring supply into balance with</p> <p>23 demand.</p> <p>24 Q. And this exchange is taking place between</p> <p>25 which groups of people?</p>

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<p>1 A. Well --</p> <p>2 Q. You were included, weren't you?</p> <p>3 A. The July 2, the memo from Jasper Barnes</p> <p>4 is to a range of people and it -- yes, it</p> <p>5 references me.</p> <p>6 Q. And Jasper Barnes is from?</p> <p>7 A. Jasper Barnes is the head of project and</p> <p>8 portfolio -- global project and portfolio team in</p> <p>9 Basel.</p> <p>10 Q. And the response from Sarah Rees refers to</p> <p>11 a portfolio prioritization guide from Jasper.</p> <p>12 Do you see that?</p> <p>13 A. I see the note from Sarah Rees says we</p> <p>14 have now received portfolio prioritization guidance</p> <p>15 from Jasper.</p> <p>16 Q. And do you know what that was?</p> <p>17 A. My assumption in the context of the</p> <p>18 document is that it's the stuff that Jasper Barnes</p> <p>19 set out on July the 2nd.</p> <p>20 Q. Okay. Do you know portfolio prioritization</p> <p>21 guidance means?</p> <p>22 A. To me it means bring supply and demand</p> <p>23 into balance. So you set priorities because demand</p> <p>24 for resources or work exceeds the capacity or</p> <p>25 supply.</p>	<p>1 okay? And I'm trying simply to understand it.</p> <p>2 (Plaintiff's Exhibit 27: 2006 Development</p> <p>3 Project Portfolio marked for identification,</p> <p>4 as of this date.)</p> <p>5 Q. So number 27 is the attachment that came to</p> <p>6 -- along with the e-mail, number 26, isn't it?</p> <p>7 A. I don't -- I don't remember this -- this</p> <p>8 correspondence. This is several years ago. Nor do</p> <p>9 I remember this -- the size of this attachment.</p> <p>10 Q. Okay. But what I'm trying to do is to</p> <p>11 understand from the directions that you were all</p> <p>12 given from Mr. Barnes, Jasper Barnes.</p> <p>13 He was laying out a prioritization system,</p> <p>14 wasn't he?</p> <p>15 A. Yeah, he was trying to, yes.</p> <p>16 Q. And can you tell me how this system worked</p> <p>17 -- was to work?</p> <p>18 Is he asking you to prioritize the</p> <p>19 particular activities from the spreadsheet so that</p> <p>20 available funds that may not be available for all of</p> <p>21 the projects could be assigned to different projects</p> <p>22 and a decision could be made about which ones would</p> <p>23 be funded?</p> <p>24 A. I'm going to read the memo --</p> <p>25 Q. Okay. Take your time on this.</p>
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<p>1 Q. And if the amount of money isn't there, you</p> <p>2 have to decide which of your expenditures are the</p> <p>3 most important?</p> <p>4 A. Yes.</p> <p>5 (Plaintiff's Exhibit 26: An e-mail string</p> <p>6 with the top from Sarah Rees dated 7/5/06,</p> <p>7 Bates SYN02642042 - 2045 marked for</p> <p>8 identification, as of this date.)</p> <p>9 Q. Okay. Let's take a look at Exhibit 26.</p> <p>10 This is Syngenta 642042 through 642044 -- I'm sorry,</p> <p>11 045.</p> <p>12 MR. SURPRENANT: The one we have is the</p> <p>13 rebuilt number on it.</p> <p>14 Q. I think this is a follow-up e-mail exchange</p> <p>15 along that same line, sir. And all I'm -- all I'm</p> <p>16 pointing out is just trying to understand the</p> <p>17 process.</p> <p>18 A. Sure.</p> <p>19 Q. Okay. So if you take a minute and look at</p> <p>20 it and just explain to me you're one of the</p> <p>21 addressees in this e-mail list from Jasper Barnes, a</p> <p>22 follow-up.</p> <p>23 And with this one I do have the attachment.</p> <p>24 If you keep that exhibit, okay, handy. That's number</p> <p>25 26. And I do have this attachment that came with it,</p>	<p>1 MR. SURPRENANT: Steve, is there a</p> <p>2 separate Bates number on the attachment.</p> <p>3 MR. TILLERY: My copy does not have one.</p> <p>4 MR. CRAIG: I'll try to figure out what</p> <p>5 it is and let you guys know.</p> <p>6 MR. SURPRENANT: Maybe we didn't provide</p> <p>7 it with a Bates number. I don't know.</p> <p>8 Q. Okay.</p> <p>9 A. Go ahead.</p> <p>10 Q. All right. Do you remember my last point of</p> <p>11 trying to describe what I thought this document was</p> <p>12 and trying to get some help from you to understand</p> <p>13 it.</p> <p>14 After looking at this, can you tell me in</p> <p>15 looking at the e-mail and looking at the document,</p> <p>16 can you tell me what the prioritization system was or</p> <p>17 how you went about doing this?</p> <p>18 A. There was a budget -- there was a budget</p> <p>19 gap in 2006.</p> <p>20 Q. And before you go forward what does a</p> <p>21 budget gap mean?</p> <p>22 A. I mean it was a difference of a gap</p> <p>23 between available resource and perception of how</p> <p>24 much -- how much was necessary to complete the work</p> <p>25 for 2006.</p>

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<p>1 Q. So really what you're talking about is a --</p> <p>2 a resource shortfall?</p> <p>3 A. Yes, there was a resource shortfall or a</p> <p>4 gap.</p> <p>5 Q. Okay.</p> <p>6 A. Yes.</p> <p>7 Q. Go ahead now, sir.</p> <p>8 A. So the -- the health assessment and</p> <p>9 environmental safety team was trying to deal with</p> <p>10 that. And Mr. Barnes was heading up the global</p> <p>11 portfolio, and he had asked for insight and</p> <p>12 involvement from folks to identify high priority</p> <p>13 and low priority tasks so that resources could be</p> <p>14 allocated.</p> <p>15 Q. And the those priorities were assigned by</p> <p>16 the people. And do you know how a decision was</p> <p>17 ultimately made on which ones were to be funded and</p> <p>18 which ones weren't?</p> <p>19 A. No, I don't know or don't recall how the</p> <p>20 decisions were made.</p> <p>21 Q. And was this information then sent to</p> <p>22 people at -- for example, Syngenta Crop Protection,</p> <p>23 Inc. to -- where relevant and appropriate to what</p> <p>24 they were doing to make a decision about the priority</p> <p>25 to assign a particular priority number to the task?</p>	<p>1 Q. Okay. And what are these types of exhibits?</p> <p>2 I'm sorry, strike that.</p> <p>3 What are these types of items that are</p> <p>4 listed? Let's just use, for example, page one.</p> <p>5 A. Okay.</p> <p>6 Q. The middle of the page, go through and</p> <p>7 explain to me what is involved there.</p> <p>8 A. Do you have a particular line you'd --</p> <p>9 Q. Any one you want. Just pick four or five</p> <p>10 items. I want to try to do a survey of what it is</p> <p>11 that we're dealing with in terms of review?</p> <p>12 A. Okay. So I'm going to refer to the first</p> <p>13 item, first line on the first page. This is our</p> <p>14 product thiamethoxam. It's a new formulation</p> <p>15 project. So developing a new product for our</p> <p>16 professional -- what was called our professional</p> <p>17 products business at that time. And the name of</p> <p>18 the product is Optigard gel. That's the brand</p> <p>19 name. And the work slate or the task was in the</p> <p>20 environmental exposure assessment area. We needed</p> <p>21 to do an environmental and fate exposure assessment</p> <p>22 as a requirement to address that specific product.</p> <p>23 So you'll see the next one, two, three lines after</p> <p>24 that line all refer to that same Optigard gel ant</p> <p>25 bait. So these are different -- different work</p>
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<p>1 A. No, I don't -- I don't believe so. I</p> <p>2 believe that there were high and low priority items</p> <p>3 identified and that we went through an iterative</p> <p>4 process to balance or to close the gap to an</p> <p>5 acceptable point.</p> <p>6 Q. Did you get involved in this process?</p> <p>7 A. I was -- I was informed about it, but</p> <p>8 correspondence indicates I was informed about it,</p> <p>9 yes.</p> <p>10 Q. But were you involved in making the</p> <p>11 decisions about the priorities?</p> <p>12 A. I believe I -- I did consult with the</p> <p>13 business in the region, and I did provide input on</p> <p>14 what our -- what priorities -- what the regional</p> <p>15 business priorities were. That would have been</p> <p>16 part of my role and responsibility. And it would</p> <p>17 have been before this summary sort of memo came</p> <p>18 out.</p> <p>19 Q. And then if you'd look at Exhibit 27.</p> <p>20 A. Okay.</p> <p>21 Q. And take a look at the type of items that</p> <p>22 are listed, and you would agree with me that there</p> <p>23 are literally hundreds and hundreds and hundreds of</p> <p>24 items listed in this exhibit, correct?</p> <p>25 A. That's correct.</p>	<p>1 pieces necessary to do to successfully develop that</p> <p>2 product. So it's an iteration of all -- of lots of</p> <p>3 different work pieces for lots of different</p> <p>4 projects.</p> <p>5 Q. Yeah. I'm sorry, I interrupted you. Go</p> <p>6 ahead.</p> <p>7 A. No, I'm finished.</p> <p>8 Q. Let's go across the topic, though, okay.</p> <p>9 The title of the page. And tell me the rest of these</p> <p>10 items that are listed.</p> <p>11 A. So the first column is the priority.</p> <p>12 Q. Um-hum. Yes.</p> <p>13 A. And then the second column is committed</p> <p>14 external spend -- committed external tasks. It</p> <p>15 means that has the work been implemented or</p> <p>16 contracted. The next -- I don't know what the next</p> <p>17 column means. And then there's a column that says</p> <p>18 external task, yes or no. So that would be is it</p> <p>19 being done internally at Syngenta or externally</p> <p>20 with a third-party? Then you have your specific</p> <p>21 active ingredient followed by the type of project</p> <p>22 -- project type.</p> <p>23 Q. What is a project type?</p> <p>24 A. Project type is the way we classify our</p> <p>25 projects in the portfolio. We group them into</p>

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<p>1 formulation new, formulation extension, label 2 extension. It's like that. 3 Q. Okay. And the next column? 4 A. Would be the product line or the business 5 that the -- that is being supported with that 6 product. So in this case professional products, 7 now we call it lawn and garden. 8 Q. Okay. 9 A. Next is the business line. That would be 10 the sub business, in this case professional pest 11 management. That would be like for pest control in 12 and around a home or in and around a business 13 structure. 14 Q. Okay. 15 A. And then the title. And that just 16 describes the work that's being done. And where 17 it's -- in some cases who it's for. In this case 18 USA is in parentheses. It's specifically for the 19 USA. Then we have our project -- root project 20 identification. That's our -- an internal tracking 21 number. The next column is not being -- is not 22 being used. And then the specific project 23 identification number. And followed by that the -- 24 Q. What is -- how is that different from the 25 root project?</p>	<p>1 where we had the facilities and the people to do 2 the work ourselves if we were going to do it or 3 where the contractors were located that might do 4 the work. 5 Q. What's the next set? 6 A. Skill set is a -- in some departments you 7 have maybe two sub departments, and -- and in this 8 skill set is a -- like a sub -- sub department. 9 Q. And next? 10 A. A function type is -- was an 11 environmental sciences, was it health assessment? 12 Was it biology? I mean, those are some of the 13 examples of function types. 14 And then when was the -- when is the 15 study due? When is the report needed to be able to 16 meet the agreed time lines? 17 And then some more specific details on 18 the actual work being done, task type. And then 19 the status of the project. And funded projects are 20 sanctioned, approved and funded. So they've been 21 accepted into the portfolio. Funded means it's 22 part of the portfolio. 23 And then you've got the resource demand 24 following that. How many days? 25 Q. What does that mean?</p>
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<p>1 A. It doesn't. It's -- in this case it was 2 unnecessary duplication. And then the specific 3 task number follows that. 4 Q. What's a task number? 5 A. It's the unique identifier for a study or 6 a unique piece of work. 7 Q. Okay. 8 A. And more than one task could be in a 9 project. And then the status, is it planned? That 10 is -- or is it approved? Planned task is pending 11 approval or an approved task has already been 12 sanctioned. The work slate is the -- part of our 13 -- part of our organization where the work is going 14 to be done, the department that it's going to be 15 done in. And then the location, what's the 16 location of the work -- the work is it done in. In 17 this case it's in Greensboro. But it could be done 18 in Jealott's Hill or it could have been done in -- 19 somewhere else. 20 Q. And on this page, for example, let's go 21 through the list. Greensboro, Jealott's Hill, 22 Alderley Park, Basel. 23 A. Right. There's a range of -- 24 Q. Different places? 25 A. -- there's a range of different places</p>	<p>1 A. Man days, work days. 2 Q. Work days for? 3 A. Per person, for individual person days. 4 Q. To do what? 5 A. To do the -- to do the assessment or the 6 work that's requested. 7 Q. Okay. 8 A. And then the next column would be the 9 external cost in thousands of dollars. 10 Q. For what? 11 A. To do -- to do the study -- 12 Q. Okay. 13 A. -- or the work required in that line. 14 Q. And the next? 15 A. And then it's a total of the -- the man 16 days and the external dollars in -- dollarized. 17 Dollarizes the value of the man days and it adds, 18 and that's addition of the dollar value of the man 19 days and the external cost. Okay? 20 Q. All right. 21 A. All right. And then the task -- is this 22 -- must. 23 Q. What is the difference between must and 24 contingency? 25 A. Must means it was -- was determined to be</p>

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<p>1 a requirement, it needed to be done. And a 2 contingency was something that had less than 3 50 percent probability of needing to be done. 4 Q. Is must a regulatory requirement? 5 A. It could have been a regulatory 6 requirement. But it may not have been that in 7 every case. 8 Q. And what does task driver mean? 9 A. This was a classification that was used 10 at the time, which is not used any longer. But it 11 helped give some -- what the -- the reason -- the 12 reason for doing the work. Was it proactive or 13 reactive or was it a regulatory requirement or was 14 it another requirement? 15 (Plaintiff's Exhibit 28: An e-mail 16 document from Kurt Carmean dated 10/18/07, 17 Bates SYN02864385 marked for identification, 18 as of this date.) 19 Q. Would you look at Exhibit 28, please. 20 This is Syngenta 864385. 21 This is an e-mail exchange, and actually 22 it's e-mail from Mr. Kurt, is it Carmean? 23 A. Yes. 24 Q. And does he work for you? 25 A. Yes, he does.</p>	<p>1 global. I don't recall in this case who -- people 2 have changed. I don't remember who I might have 3 asked. 4 Q. The number 458, what does it refer to? 5 A. I don't have the attachment available. 6 Q. Nor do I. 7 Is that the number of trials? 8 A. I assume -- my belief is that is the 9 number of field trials that we were doing in herb- 10 -- for herbicides in that year. Or, actually, they 11 were planned -- going to be planned for the next 12 year, for 2008. Because this correspondence is in 13 the fall of 2007 for 2008. 14 Q. And some of those trials were in Illinois, 15 weren't they, sir? 16 A. I don't remember where -- I don't 17 remember or know at this time where those trials 18 were. 19 Q. Was the product intended to be sold for 20 corn application? 21 A. Which product? 22 Q. The product you were testing? You were 23 doing the field trials for. 24 A. This was field trials on a broad range of 25 products.</p>
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<p>1 Q. What is his job? 2 A. He's the development project leader for 3 herbicides for the NAFTA region. 4 Q. Is he headquartered in Greensboro? 5 A. Yes, he is. 6 Q. How long has he been in that job? 7 A. Kurt has been a development project 8 leader and worked for me since the merger. 9 Q. Since the time you came here? 10 A. Since the time I joined Syngenta. 11 Q. He says, thank you for evaluating your 2008 12 field program again and making the necessary 13 reductions. I greatly appreciate your efforts and 14 timeliness. We are down to 458, equals 103 percent 15 of the target. Great job. Dirk is still working the 16 global funding prospect for 449 and Dash for us. 17 What is 449? 18 A. The 449280 is a preemergence and post 19 emergence herbicide. 20 Q. And who were you working on the global 21 funding with? 22 A. I was trying to get a incremental funding 23 beyond what we had available in Syngenta Crop 24 Protection and NAFTA to allow us to do additional 25 field trials work on 449 and Dash. So I petitioned</p>	<p>1 Q. Okay. 2 A. Not just corn products. But it would 3 have included other crops as well, like cereals, 4 rice, cotton, as examples. 5 Q. So 449 and Dash would have included corn, 6 too, wouldn't it? 7 A. Yes, 449 and Dash were -- at this time 8 were focused for evaluation on corn. 9 Q. And if it's corn, you do the field trials 10 in locations where you anticipate selling the 11 product, don't you? 12 A. That's correct. I don't know where these 13 trials were actually implemented. But it's logical 14 to assume that they could have been in the corn pro 15 -- that they were in the corn-producing states. 16 Q. What are the biggest corn-producing states 17 in the United States? 18 A. Iowa, Illinois, Indiana, Ohio are 19 examples of corn-producing states. There's others 20 besides that. 21 Q. The I states? 22 A. Yeah, they're sometimes called the I 23 states. 24 (Plaintiff's Exhibit 29: An e-mail string 25 with the top from Gordon Vail dated 6/11/09,</p>

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<p>1 Bates SYN02917550 - 552 marked for 2 identification, as of this date.) 3 Q. Let's take a look at Exhibit 29, if we can. 4 While you're looking at it, for the record, 5 this is Syngenta 2917550 through 2917552. 6 A. Okay. 7 Q. Do you remember this e-mail exchange? 8 A. No. I do remember the -- receiving the 9 Jasper Barnes segment on June the 10th, 2009. Now 10 that would be part of our annual portfolio 11 investment cycle. So that document -- that part of 12 the document I'm familiar with. 13 Q. And to try to summarize, you tell me if I'm 14 wrong, you received an e-mail from Mr. Gordon Vail at 15 Syngenta Crop Protection, Inc. after Jasper Barnes 16 sent his e-mail. His e-mail was dated June 10th, 17 2009, which included an attachment. 18 And Mr. Gordon Vail was asking whether or 19 not the fact that a project was not supported on the 20 list meant that there could be no testing in 2010. 21 And he said, I'm quoting, for example, atrazine on 22 switch grass and mesotrione acid mill based project, 23 end quote. 24 And he asked that to Mr. Carmean, right? 25 A. Yeah, I'm reading it. I'm working on</p>	<p>1 what Kurt meant by -- by those -- by writing that. 2 Q. Actually, that was Mr. -- 3 A. Excuse me. 4 Q. -- Gordon Vail. 5 A. Excuse me, I'm misstated myself. Mr. 6 Vail. 7 Q. You don't know what BR&D means? 8 A. Biological research and development. 9 Field trials. 10 Q. Did -- to your knowledge, did the project 11 that he's talking about at the bottom of Syngenta 12 917550, was it unfunded? 13 A. There were two projects that he was 14 talking about there. One was atrazine on switch 15 grass and the other was mesotrione acid mill base. 16 We did not progress the atrazine on pasture 17 project. It just simply was not financially 18 attractive, wasn't a viable project proposal. And 19 it didn't have local -- or global support. 20 Q. Okay. I move to strike your answer as 21 unresponsive. 22 To your knowledge, did the projects that 23 Mr. Gordon Vail referenced, the atrazine on switch 24 grass and the mesotrione acid mill based projects, 25 were they funded or not?</p>
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<p>1 reading it. I didn't -- I didn't see this. I have 2 no knowledge of this note, this segment from Gordon 3 Vail to Kurt Carmean. 4 Q. Take a look at -- 5 A. Then I see a Kurt Carmean response and 6 some subsequent communications. 7 Q. Okay. Who is Mr. Vail? 8 A. Gordon Vail is the technical brand 9 manager for herbicides based in Greensboro. 10 Q. Okay. And the response from Mr. Carmean 11 came back saying, quote, that is correct, if global 12 does not support them, we are not supposed to do any 13 work, end quote. 14 Is that a correct bit of advice to Mr. 15 Vail? 16 A. In this -- in this case yes, it was. 17 Q. Okay. And then the very next e-mail, 18 June 11th, 2009, from Mr. Gordon Vail back to Mr. 19 Carmean where he says, guess this kills the atrazine 20 pasture projects. Without global support, I could 21 likely get BR&D work, but can't -- won't get 22 regulatory or T&P work. 23 What does that mean, I could likely get 24 BR&D work? 25 A. I didn't write that note. I don't know</p>	<p>1 A. The switch grass project was not funded. 2 I do not know -- I do not recall whether the 3 mesotrione acid mill base project was funded or 4 not. 5 (Plaintiff's Exhibit 30: A Syngenta 6 Project Portfolio Process, Process in 7 Milestones in 2006, Bates GRNVL0000063727 - 8 732 marked for identification, as of this 9 date.) 10 Q. I show you what's been marked as 11 Exhibit 30, sir. Ask you first to identify it after 12 you look at it. 13 The process, this project portfolio process 14 described in Exhibit 30, does it accurately describe 15 the process at this time? 16 A. No. 17 Q. Did it accurately reflect the process in 18 2006? 19 A. Yes, it was -- it did -- it was used in 20 2006. 21 Q. Was it used in 2007? 22 A. We changed our process -- portfolio 23 process starting in 2007 or 2008 to what we are -- 24 to the process we're currently using. 25 Q. And how does the process you're currently</p>

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<p>1 using differ from this one?</p> <p>2 A. We have four phases in our current</p> <p>3 process idea. Idea creation, evaluation, project</p> <p>4 scoping or -- which is detail -- detailing the work</p> <p>5 required. Then we have portfolio analysis and then</p> <p>6 decision -- portfolio decisions. There's four</p> <p>7 phases to our current process.</p> <p>8 Q. How many phases were there in this one?</p> <p>9 A. Well, there were several more. They're</p> <p>10 bulleted on page 3728. This -- they're bulleted on</p> <p>11 page 3728.</p> <p>12 Q. Okay.</p> <p>13 MR. TILLERY: I have no further</p> <p>14 questions.</p> <p>15 MR. SURPRENANT: I don't have any</p> <p>16 questions of the witness.</p> <p>17 I just ask that, as has been done with</p> <p>18 the other depositions, that the deposition</p> <p>19 transcript and videotape be marked as</p> <p>20 confidential pursuant to the protective order.</p> <p>21 Thank you.</p> <p>22 THE VIDEOGRAPHER: Stand by just a moment.</p> <p>23 This is the end of videotape number</p> <p>24 three, volume one in the deposition of Dirk</p> <p>25 Drost. The original videotapes will be</p>	<p>1 WITNESS' CERTIFICATE</p> <p>2</p> <p>3 I, DIRK COOPER DROST, PhD. do hereby</p> <p>4 certify that I have read and understand the</p> <p>5 foregoing transcript and believe it to be true,</p> <p>6 accurate, and complete transcript of my testimony,</p> <p>7 subject to the attached list of changes, if any.</p> <p>8</p> <p>9</p> <p>10</p> <p>11 DIRK COOPER DROST, PhD.</p> <p>12</p> <p>13</p> <p>14 This deposition was signed in my presence by</p> <p>15 _____, on the _____ day of</p> <p>16 _____, 2010.</p> <p>17</p> <p>18</p> <p>19 NOTARY PUBLIC</p> <p>20 My commission expires:</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 retained by WestLaw Deposition Services.</p> <p>2 Going off the record. The time is 3:59 and 32</p> <p>3 seconds.</p> <p>4 (TIME NOTED: 3:59 p.m.)</p> <p>5 (SIGNATURE RESERVED.)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 (Page 1 of 2)</p> <p>2</p> <p>3 E R R A T A S H E E T</p> <p>4 RE: City of Greenville, Illinois, et al.</p> <p>5 vs. Syngenta Crop Protection, Inc., et al.</p> <p>5 DEPOSITION OF: Dirk Cooper Drost, PhD.</p> <p>6 Please read this transcript with care,</p> <p>6 and if you find any corrections or changes you wish</p> <p>made, list them by page and line number below. DO</p> <p>7 NOT WRITE IN THE TRANSCRIPT ITSELF. Return the</p> <p>8 Certificate and Errata Sheet to this office after</p> <p>it is signed. We would appreciate your prompt</p> <p>attention to this matter</p> <p>9 To assist you in making such corrections,</p> <p>please use the form below. If supplemental or</p> <p>10 additional pages are necessary, please furnish same</p> <p>and attach them to this errata sheet.</p> <p>11 Page: Line: should read:</p> <p>12 Page: Line: should read:</p> <p>13 Page: Line: should read:</p> <p>14 Page: Line: should read:</p> <p>15 Page: Line: should read:</p> <p>16 Page: Line: should read:</p> <p>17 Page: Line: should read:</p> <p>18 Page: Line: should read:</p> <p>19 Page: Line: should read:</p> <p>20 Page: Line: should read:</p> <p>21 Page: Line: should read:</p> <p>22 Page: Line: should read:</p> <p>23 Page: Line: should read:</p> <p>24 Page: Line: should read:</p> <p>25 Page: Line: should read:</p>

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<p style="text-align: right;">Page 190</p> <p>1 (Page 2 of 2)</p> <p>2 Page: Line: should read:</p> <p>3 Page: Line: should read:</p> <p>4 Page: Line: should read:</p> <p>5 Page: Line: should read:</p> <p>6 Page: Line: should read:</p> <p>7 Page: Line: should read:</p> <p>8 Page: Line: should read:</p> <p>9 Page: Line: should read:</p> <p>10 Page: Line: should read:</p> <p>11 Page: Line: should read:</p> <p>12 Page: Line: should read:</p> <p>13 Page: Line: should read:</p> <p>14 Page: Line: should read:</p> <p>15 Page: Line: should read:</p> <p>16 Page: Line: should read:</p> <p>17 Page: Line: should read:</p> <p>18 Page: Line: should read:</p> <p>19 Page: Line: should read:</p> <p>20 Page: Line: should read:</p> <p>21 Page: Line: should read:</p> <p>22 Page: Line: should read:</p> <p>23 Page: Line: should read:</p> <p>24 Page: Line: should read:</p> <p>25 Page: Line: should read:</p>	
<p style="text-align: right;">Page 191</p> <p>1 STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG</p> <p>2</p> <p>3 REPORTER'S CERTIFICATE</p> <p>4 I, V. Dario Stanziola, a Notary Public in</p> <p>5 and for the State of North Carolina, do hereby</p> <p>6 certify that there came before me on Wednesday,</p> <p>7 November 10, 2010, the person hereinbefore named,</p> <p>8 who was by me duly sworn to testify to the truth</p> <p>9 and nothing but the truth of his knowledge</p> <p>10 concerning the matters in controversy in this</p> <p>11 cause; that the witness was thereupon examined</p> <p>12 under oath, the examination reduced to typewriting</p> <p>13 under my direction, and the deposition is a true</p> <p>14 record of the testimony given by the witness.</p> <p>15 I further certify that I am neither</p> <p>16 attorney or counsel for, nor related to or employed</p> <p>17 by, any attorney or counsel employed by the parties</p> <p>18 hereto or financially interested in the action.</p> <p>19 IN WITNESS WHEREOF, I have hereto set my</p> <p>20 hand, this the 22nd day of November 2010.</p> <p>21</p> <p>22</p> <p>23</p> <p>24 V. DARIO STANZIOLA, CSR, RPR, CRR</p> <p>25 Notary Public No. 20011200120</p>	